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MEETING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD

FINLEY COMMUNITY CENTER
CYPRESS ROOM
2060 W. COLLEGE AVENUE
SANTA ROSA, CALIFORNIA

TUESDAY, AUGUST 16, 2005
9:30 A.M.

JAMES F. PETERS, CSR, RPR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 10063

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

BOARD MEMBERS

Ms. Rosario Marin, Chairperson

Ms. Rosalie Mul

Ms. Cheryl Peace

Mr. Carl Washington

STAFF

Mr. Mark Leary, Executive Director

Ms. Julie Nauman, Chief Deputy Director

Ms. Marie Carter, Chief Counsel

Mr. Tom Estes, Deputy Director

Mr. Jim Lee, Deputy Director

Mr. Pat Schiavo, Deputy Director

Ms. Patty Wohl, Deputy Director

Ms. Holly Armstrong, Staff Counsel

Ms. Bonnie Bruce, Board Advisor

Mr. Bob Fujii, Supervisor, Tire Remediation & Engineering
Technical Services

Mr. Albert Johnson

Mr. Steve Levine, Staff Counsel

Mr. Calvin Young

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APPEARANCES CONTINUED

ALSO PRESENT

Mr. Al Cornwell, Stuber Stroeck

Ms. Karen Gerbosi

Mr. Jerry Harrington, Trustee, Wilson Beebe Trust

Mr. Richard Idell, Idell, Berman, Seitel & Rutchik,
Universal Portfolio, LTD

Ms. Andrea Lewis, Assistant Secretary, California
Environmental Protection Agency

Ms. Leslie Mintz, Health The Bay

Mr. Bill McCormick, Kleinfelder

Mr. Don Silacci

Ms. Leandra Swent, South Sonoma County Resource
Conservation District

Mr. Ken Wells, Sonoma County Waste Management Agency

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1 PROCEEDINGS

2 CHAIRPERSON MARIN: Good morning. Is this on?
3 Can you guys hear me? I cannot hear myself.

4 Welcome. Thank you all for being here. This is
5 the California Integrated Waste Management Board meeting.
6 And we are so delighted, to be in this beautiful Santa
7 Rosa, a part of Sonoma County.

8 I can tell you I was so excited that we were
9 coming here. We have a great Board meeting. Actually
10 because we have wonderful committee activity and wonderful
11 committee meetings, we're able to do a lot of the big work
12 from this Board during the committee meetings. So most of
13 the items -- there's a significant number of items that
14 are on consent agenda. And the other items, we're going
15 to have the ability to discuss them.

16 But I just wanted you to know I am so delighted
17 to be here. A very significant number of our staff was
18 here yesterday visiting a beautiful facility now -- not
19 facility but an area, the Beebe Ranch. And I'm so
20 delighted with the progress that has been made. I know
21 that there will be a presentation about that. I am very,
22 very happy with that progress and we're here because we
23 have other challenges along those lines.

24 So I'm very happy to be here. Thank you for the
25 hospitality. You've been very gracious. And we love

1 community centers. So we're very happy to be here.

2 We have a full Board. Well, there's only four of
3 us anyway. Great staff.

4 And with that, would you please call the roll.

5 BOARD SECRETARY BAKULICH: Mulé?

6 BOARD MEMBER MULÉ: Here.

7 BOARD SECRETARY BAKULICH: Peace?

8 BOARD MEMBER PEACE: Here.

9 BOARD SECRETARY BAKULICH: Washington?

10 BOARD MEMBER WASHINGTON: Here.

11 BOARD SECRETARY BAKULICH: Marin?

12 CHAIRPERSON MARIN: And I'm here.

13 We are going to ask if you will be so kind to
14 turn off your cell phones or put them on the vibration
15 mode or meeting mode, whatever it is. We would like not
16 to know that you're being called. We will have --
17 actually I should lead -- well, do the Pledge of
18 Allegiance before we continue with Board.

19 Would you stand up.

20 And, Ms. Mulé, would you be so kind to lead us.

21 (Thereupon the Pledge of Allegiance was
22 Recited in unison.)

23 CHAIRPERSON MARIN: Okay. We will be having a
24 closed session during lunch, just for your information.

25 And I'd like to know if we have ex partes to

1 report.

2 Ms. Peace.

3 BOARD MEMBER PEACE: I'm up to date.

4 CHAIRPERSON MARIN: Okay. Ms. Mulé.

5 BOARD MEMBER MULÉ: Madam Chair, yesterday

6 afternoon I received a letter from Gerald James,

7 California Association of Professional Scientists.

8 CHAIRPERSON MARIN: Okay. Mr. Washington.

9 BOARD MEMBER WASHINGTON: I'm up to date.

10 CHAIRPERSON MARIN: Okay. And we will be

11 discussing this later on. But I also received a letter

12 from Cabinet Secretary Tamminen.

13 Everybody got it. I just received it this

14 morning. I was in transit.

15 We also received a letter from -- yes, that's it.

16 So that's -- yes Gerald James, that was the one that I was

17 looking for. So everybody got a copy of that, right?

18 Okay, fine.

19 Let's see. I also -- while we're not going to be

20 sing "Happy Birthday," there were two wonderful people

21 that celebrated their birthday yesterday here in Sonoma.

22 Our wonderful Secretary for the Board, Sue Kumpulainen.

23 Happy birthday.

24 EXECUTIVE ASSISTANT KUMPULAINIEN: Thank you.

25 CHAIRPERSON MARIN: Twenty-one are you?

1 EXECUTIVE ASSISTANT KUMPULAINIEN: Twenty-nine.

2 CHAIRPERSON MARIN: Twenty-nine.

3 EXECUTIVE ASSISTANT KUMPULAINIEN: I'm willing to
4 admit it.

5 (Laughter.)

6 CHAIRPERSON MARIN: And Andrea Lewis. Is she
7 here?

8 She's in the back. She doesn't want to be
9 acknowledged. She also had a birthday. I think hers was
10 25.

11 EXECUTIVE ASSISTANT KUMPULAINIEN: Yes.

12 (Laughter.)

13 CHAIRPERSON MARIN: Okay. Well, let's see. I
14 know we've all been very busy. And we'd just like to let
15 people know some of the things that the Board members have
16 done over the last month.

17 And with that, Ms. Peace.

18 BOARD MEMBER PEACE: Okay. Good morning.

19 On July 21st, I drove to El Centro, met up with
20 two staff people from Senator Ducheny's office. From
21 there we drove to Mexicali and met up with Chair Marin and
22 her advisor, Scott Harvey, and Ricardo Martinez and Alex
23 Rodarte from Cal EPA. And in Mexicali we drove off -- and
24 I mean off, like off the road. We almost got stuck in
25 what seemed to be the middle of nowhere to view a large --

1 the large Centinella tire pile. And I do want to thank
2 the Chair for running up that late, because even at 7
3 o'clock it was still 103 degrees outside.

4 They estimate that there are at least two
5 million, maybe as many as five million tires piled up and
6 scattered around. And this is worrying officials on both
7 sides of the border, because as we well know, tire dumps
8 have a nasty habit of turning into tire fires, which can
9 burn and smolder for months or even years.

10 Now, a good number of these tires come from the
11 United States, some illegally. Others sold as used tires
12 that quickly turn into waste tires.

13 Senator Ducheny's Bill, SB 772, would require
14 that the Board's five-year waste tire plan include
15 specified border region activities conducted in
16 coordination with Cal EPA, including training programs,
17 environmental education, waste tire abatement, and the
18 tracking of tire flow across the border.

19 Now, we all hope that the Board's efforts to
20 increase market demand for waste tire products here in
21 California will help stem the flow of waste tires into
22 Mexico.

23 On August 3rd I attended the Waste Tire
24 Interested Parties meeting. Discussions ranged from the
25 proposed life cycle assessment of tire management methods

1 contract to Californians' involvement in the U.S. EPA's
2 resource conservation challenge and what is being done to
3 address the national waste tire problem to a long
4 discussion on the Tire Business Assistance Program.

5 And, lastly, I'd say the biggest event I had on
6 my schedule this last month was my son's wedding. I
7 married off son number 1 last week to a lovely girl from
8 Santa Rosa. She graduated from Santa Rosa High School and
9 then from Santa Rosa JC before meeting my son at UCSD.
10 And she always talks about how beautiful Santa Rosa is.
11 And so I'm delighted to be here today so I can see for
12 myself that, yes, indeed Santa Rosa is a beautiful
13 community. And thank you for having us here today.

14 CHAIRPERSON MARIN: Thank you, Ms. Peace.
15 Ms. Mulé.

16 BOARD MEMBER MULÉ: Thank you, Madam Chair.

17 After our Board meeting on July 20th I had the
18 dubious honor of taking a red eye to Washington DC,
19 dragging Carroll Mortensen along with me. I had the
20 privilege to represent not only the Board but Cal EPA in
21 this -- and the State of California in testifying before
22 the House Subcommittee on Hazardous Waste regarding our
23 electronic waste or E-recycling program here in
24 California.

25 On July 27th I had the opportunity to visit

1 Monterey County and tour the Crazy Horse Landfill as well
2 as the Sun Street Transfer Station in Salinas.

3 And on the 28th I attended the Monterey Regional
4 Waste Management site and attended their regional
5 Technical Advisory Committee meeting.

6 And I did have the opportunity also to attend the
7 League of Cities and hear Chair Marin's excellent
8 presentation on 939 and where we're going with that. And
9 thank you, Board Chair, for your comments that day. Very
10 interesting.

11 On August 3rd, I did go tour the Altamont
12 Landfill in Livermore.

13 And then yesterday I did have the opportunity to
14 go see the after at Beebe Ranch. And, Karen, I just want
15 to thank you and your family for all the work that you've
16 done on this site. It was truly amazing to see -- to have
17 been there on August 4th, as you mentioned, last year, we
18 were there. And now to see the after of what you've been
19 able to accomplish. Thank you very much. I mean it
20 really goes to show, Madam Chair and Board members, that
21 if we work in partnership, publicly and privately, we can
22 get a lot done. It was truly amazing.

23 And last but not least, I did have the
24 opportunity -- Ken Wells, thank you very much again for
25 your tour of the Central Disposal Landfill and Resource

1 Recovery Center, because it is so much more than just a
2 landfill. Thank you for that opportunity to tour that
3 facility.

4 And that concludes my report, Madam Chair.

5 CHAIRPERSON MARIN: Thank you.

6 Mr. Washington.

7 BOARD MEMBER WASHINGTON: Thank you very much,
8 Madam Chair.

9 July 26th, I had the opportunity to visit the BKK
10 Landfill in west Covina. They are really -- they really
11 have their hands and work cut out for them. They really
12 are -- the city itself, the mayor and the city manager and
13 the staff was there. And they have some beautiful
14 construction that will take place once they get to that
15 point of putting their whole program together. But it was
16 so exciting to see that they are moving forward and they
17 are doing the construction and different things are
18 happening down there.

19 So I would just hope that staff would continue to
20 work with them and, you know, make sure that they still
21 are on path and to continue with them. The money we gave
22 them has really boosted their encouragement. They really
23 are out there working. They could have just put all those
24 folks out there -- because I was out there -- whatever the
25 case may be, they were working, which was a good thing.

1 So it was nice to go down and see. And I look
2 forward to going back when they conclude, as we did with
3 the La Montaná, to see the end product of their hard work
4 that they're doing down there. So it was exciting to be
5 there.

6 Then the 27th I provided the opening remarks for
7 the City of Long Beach Household Hazardous Waste
8 Information Exchange meeting, which was extremely well
9 attended. I mean the room was standing-room only. And
10 folks were very encouraged. They were more encouraged,
11 because I only talked for about ten minutes and answered
12 questions for about an hour.

13 (Laughter.)

14 BOARD MEMBER WASHINGTON: And so it was a well
15 attended Household Hazardous Waste. And the folks from
16 around the southern California area was there to make sure
17 that they were getting proper information regarding
18 household hazardous waste, E-waste and different things.
19 And it was really exciting to be a part of the City of
20 Long Beach HHW.

21 Then August 1st, Madam Chair, I visited with the
22 IRS. Now, I'm not in trouble.

23 (Laughter.)

24 BOARD MEMBER WASHINGTON: But it was the Interior
25 Removal Specialists.

1 (Laughter.)

2 BOARD MEMBER WASHINGTON: And that was at the
3 request of my colleague, Ms. Mulé, who -- for years those
4 folks since I've been at the Board, They'd say, "Come by
5 and visit with us. We're right around the corner in
6 Southgate here." And to go there and see what they do is
7 phenomenal. I think it was best said by Ms. Mulé's
8 advisor, she didn't want to leave there. And I felt the
9 same way. Because what they do is they take in -- just so
10 you guys understand, companies call them in when they're
11 ready for them to clean out a building. And some
12 companies leave all these computers that they don't want,
13 they don't want any of the office furniture. And these
14 folks go down and get it.

15 They don't go down and get the stuff and throw it
16 in the corner. But they call community organizations and
17 goodwill folks and things like that to come and pick this
18 stuff up. And I mean some of the top-notch stuff is still
19 sitting down there today. Desks that would cost 3,
20 \$4,000, they're waiting for somebody to say, "Hey, I need
21 a desk," which is incredible. Besides what they do with
22 their recycling and things of that nature. It was very --
23 I was very impressed.

24 And thank you, Rosalie, for, you know,
25 encouraging me to go down and visit with those folks. I

1 told them I'd come back and hang out with them.

2 (Laughter.)

3 BOARD MEMBER WASHINGTON: They have some
4 beautiful furniture down there.

5 Then, finally, Madam Chair, on the 10th I visited
6 the Paramount Transfer Station. And that again was a
7 beautiful site to see the type of E-waste that they're
8 doing right around the corner. I live in the City of
9 Paramount. And I had no clue these folks were operating
10 such a huge project right there in my neighborhood. And I
11 mean it's in a great location. I mean I never saw it.
12 You know, I would be on top of those folks. But they are
13 doing an excellent job.

14 And then, finally, as I promised, I went to the
15 City of San Marino and visited with them and talked with
16 them about their diversion plan. And I have for the Board
17 members, if you will pass one down -- that night they were
18 passing a resolution for C&D. They were putting it on
19 their schedule for C&D. And so I was very excited that
20 they are moving forward expeditiously to really put a C&D
21 ordinance in place. And it was just great to meet the
22 staff down there.

23 And, again, our commitment to them is that we
24 want to help you, as Madam Chair have always told you
25 cities. And they're really excited about that. I mean

1 their council members have been on that council 20 or 30
2 years and they've never seen a regulatory board take such
3 an interest. Most -- you know, they -- the way they say
4 is that the folks always extend the law order from
5 Sacramento. But to actually have a member come down, they
6 were very encouraged to know that this Board is working
7 with them. And I was excited to be there.

8 And that concludes my report.

9 CHAIRPERSON MARIN: I am so glad you went. And,
10 you know, often times -- yeah, we can use the stick, you
11 know. If we must, we will. We have that as a tool that
12 the Legislature has given this Board. But it is much
13 easier and better for everybody when we are willing to
14 work with them. And when they take the care, you know,
15 and they work with us, then we see that entire cities and
16 counties move along. And at the end of the day what we
17 are looking for is compliance. We want people to do what
18 the law says that they need to do.

19 And I think that the City of San Marino's a prime
20 example, you know. They were somewhat hesitant to adopt
21 some of these ordinances. And with the encouragement of
22 the Board, certainly you going there, I think that they're
23 moving in the right direction.

24 And we appreciate the City of San Marino taking
25 the right steps, as we have appreciated so many other

1 entities that joined hands with us in doing the right
2 thing.

3 Just very quickly. I visited a few places. I
4 went with Governor Schwarzenegger to attend the Border
5 Governor -- Border Governors' Conference in Mexico in
6 Coahuila. We were there for a couple of days. And
7 clearly there are some issues related to waste management
8 that impact California and Baja, California. So Secretary
9 Lloyd was actually the Chair of this particular committee.
10 And I think we're going to be seeing even more cooperation
11 in trying to take care of both waste and water and air
12 issues as they relate to the border. So I was very, very
13 privileged to be part of that contingency.

14 Along with Board Member Peace, we went to
15 Mexicali and Tijuana and Baja, California, and also
16 dealing with some of the border issues that are really
17 important and pertinent to this particular Board.

18 I really appreciate you coming along. And I
19 think that there's nothing like really being there and
20 seeing the problem. Because when we do realize what the
21 problem is, we can apply the resources necessary to take
22 care of that. And it's a big concern, when you're sitting
23 on top of that pile and you can clearly -- on that side of
24 the border, and you can see that within a mile and a half
25 is the crops that are being harvested, if you will. If

1 there was -- if this particular pile would catch on fire,
2 the ramifications to our side of the border are very
3 significant.

4 So it's very crystal clear that when we have a
5 problem before us that needs to be dealt with. And to a
6 certain degree it reminds me of the challenge that we have
7 here with the Sonoma tire pile. So I think that that
8 further clarifies that action needs to take place.

9 With Board Member Mulé, we attended the League of
10 California Cities. And what was amazing, Board members,
11 is that a tremendous amount of work that this Board has
12 made regarding RAC and civil engineering, to understand
13 that many council members and mayors had not a clue of our
14 efforts makes me wonder why haven't we been able to reach
15 all of these people that really are the ones that make the
16 decisions, you know.

17 So I'm really encouraged. And we've discussed
18 this with our wonderful Jon Myers. You know, we -- this
19 is one of the reasons why we need to have that contract --
20 mining contract that he is going to be taking care of --
21 overseeing rather. Because we need to work even more hand
22 in hand with our mayors and council throughout the state.

23 But it was -- was that an eye opener?

24 BOARD MEMBER MULÉ: Yeah, yeah. Well, and the
25 fact that some of them -- the fact that some of them

1 didn't even have -- they needed -- they continue to need
2 assistance on outreach materials and whatnot. It's just
3 very interesting. There's still a lot of requests for
4 assistance, much more so than we would -- we might think.

5 CHAIRPERSON MARIN: But I think it crystallizes
6 the problem for us. And when we are aware of the problem,
7 then we're able to deal with that, you know. So I'm
8 encouraged by that.

9 We had a very wonderful event with the hilton
10 Hotels and all of their partners. It was at the
11 California Green Lodging Program. I hope, Patty, you're
12 going to give us a little brief snip on that. It was in
13 San Diego. And I am so encouraged that more and more
14 hotels are willing to be our partners in the greening of
15 the hospitality industry. That is really amazing. And
16 just so that you know, we stayed at the Hilton Hotel. I'm
17 checking on all these things that they said that they were
18 going to and, lo and behold, they're doing them. So that
19 was good.

20 And on August the 8th Cal EPA had a town hall
21 meeting in Modesto, the Central Valley. And I attended
22 their reception and a dinner hosted by the Great Valley
23 Center. Both Secretary Lloyd and all of his staff. But
24 our wonderful Mark Leary, Executive Director, was the one
25 that sat through the entire forum, because I was chairing

1 the Sustainability and Markets Committee.

2 So we've had a pretty busy month of August. It's
3 supposed to be vacation time. But as you can tell, this
4 Board doesn't take vacation. We were working very hard.

5 And that leads us to the next item, Mr. --

6 Madam Chair, I thought you were going to say that
7 leads to a motion to give us a vacation.

8 (Laughter.)

9 CHAIRPERSON MARIN: We all need a vacation.

10 BOARD MEMBER WASHINGTON: Mr. Mark Leary, do you
11 have a report?

12 EXECUTIVE DIRECTOR LEARY: Yes, I do, Madam
13 Chair. And I would like to touch on the Modesto Town Hall
14 meeting. But before I do it I'd like you to indulge me for
15 a second. I'd like to introduce a special guest.

16 CHAIRPERSON MARIN: Yes.

17 EXECUTIVE DIRECTOR LEARY: Our Chief Deputy
18 Director, as committed as she is to our program, she's
19 only the second best recycler in her household. Her son,
20 Mr. Alex Nauman, is in the audience today and came along
21 with Julie to attend our meeting. And it's not that he's
22 just looking for a day off during the summer vacation.
23 This young man is really dedicated to understanding solid
24 waste and recycling. In fact, Alex single-handedly
25 started a solid waste recycling program at his school.

1 CHAIRPERSON MARIN: Wow. Where's Alex?

2 (Applause.)

3 EXECUTIVE DIRECTOR LEARY: So I'm happy to have
4 him. And I may in fact be introducing a future Board
5 member or executive director. Who knows.

6 (Laughter.)

7 EXECUTIVE DIRECTOR LEARY: In regards to the
8 Modesto Town Hall meeting, although a number of solid
9 waste issues weren't raised, there was much discussion of
10 the tremendous growth that's occurring in the San Joaquin
11 Valley. And that growth and its impact on agriculture was
12 the principal discussion. But it caused me to think as
13 we're wrestling with our market assessment planning,
14 getting a better sense of California's infrastructure,
15 that as this growth occurs throughout California we need
16 to understand our solid waste management infrastructure
17 better.

18 And with your indulgence, we'll continue of
19 course to march forward with our market analysis plan, but
20 also with a special emphasis on making sure that the
21 infrastructure exists, particularly in these high-growth
22 areas of San Joaquin Valley. There were population
23 projections to the year 2040. And it's incredible the
24 potential changes that are going to occur, and what we
25 used to think of America's heartland may soon be America's

1 suburbia if we're not careful about protecting our
2 agricultural interests. But as that growth occurs, also
3 anticipating that there's going to be need for solid waste
4 management infrastructure that we need to help them
5 determine.

6 And as our population growth occurs of course we
7 are also worried about climate change. And we were
8 briefed about a month or two ago by Eileen Tutt from the
9 Agency about climate change.

10 I'm pleased to report that our partners at the
11 Energy Commission have approached us about working
12 together on a project that they would, it appears, would
13 largely fund to improve the estimation of greenhouse gas
14 emissions from landfills. Landfills are thought to be
15 significant contributors of greenhouse gases. And the
16 control of methane emissions from landfills is assumed to
17 be the most cost-effective option to reduce greenhouse gas
18 emissions.

19 However, there's a high level of uncertainty with
20 respect to the measurement of emissions due to a variety
21 of factors. The variability of the emissions of the
22 amount -- the estimation of the amount of in-place waste,
23 assumptions about recovery efficiencies for recovered
24 natural gas, and assumptions about oxidation of methane in
25 the soil layer covering that landfill is all uncertain.

1 Recent comparisons between measured atmospheric
2 landfill emissions and estimates developed using standard
3 methods adopted by the U.S. EPA and others show
4 substantial differences between the actual versus the
5 estimated. This project that we're working with with the
6 Energy Commission would look at all these significant
7 parameters that go into calculating emissions and would
8 develop a more accurate methodology based on actual
9 landfill data.

10 We are still working out the details in the scope
11 of the project and all of this of course is subject to
12 change, but I thought you'd be interested in hearing about
13 this exciting opportunity. As you know, this partners
14 very nicely with our technology assessment work plan and
15 our emphasis on landfill gas, which I'll also talk about
16 in our contracts item later on.

17 But please stay tuned, as I've asked Judy
18 Friedman to lead us and provide an update on all our
19 climate change related activities at next month's Board
20 meeting.

21 And of course I can't have an Executive
22 Director's report without some discussion of emergency
23 waivers. Our San Bernardino County LEA has renewed its
24 grant of emergency waiver for the Heaps Peak Transfer
25 Station, the Big Bear Transfer Station, and the San

1 Timoteo Sanitary Landfill to aid in the proper handling of
2 organic debris related to the ongoing Bark Beetle
3 infestation of San Bernardino Mountains, for which the
4 county board of supervisors issued a proclamation of local
5 emergency back on September 24th of 2002.

6 The grant is for an additional 120 days for all
7 three facilities, extending the emergency waivers until
8 October 26th for San Timoteo, November 6th for Heaps Peak,
9 and November 13th for Big Bear.

10 There really doesn't appear to be an end in sight
11 for the Bark Beetle infestation, so the situation is
12 likely to continue for years. At this point I believe
13 that permanent revisions would be the preferable
14 alternative to continue reliance on an emergency waiver
15 process to deal with these emergencies. I have directed
16 staff to work with the LEA, the owners and the operators
17 of these facilities to pursue the appropriate permit
18 revisions.

19 I've also commented on -- my comments on
20 emergency waivers are routine. However, let me assure you
21 that our staff reviews them carefully. Last month we
22 received an emergency waiver granted by the Riverside
23 County LEA for the Badlands and Land Canyon landfills to
24 deal with the heat-related livestock mortality. I want to
25 thank our Permit and Enforcement staff for their diligence

1 in identifying that no state of emergency has been
2 declared that's required by the emergency waiver process
3 to be utilized. When our staff notified the LEA of this
4 oversight, they rescinded the emergency waiver.

5 So Howard, Mark de Bie of the P&E staff, please
6 extend my thanks to your staff in their diligence in
7 reviewing the work of our regulatory process.

8 And with that, Madam Chair, I'd like to conclude
9 my comments.

10 CHAIRPERSON MARIN: Thank you, Mr. Leary. And
11 good job -- I don't know where Howard is. I don't see
12 him. But -- there you are. Thank you, Howard. And our
13 thanks to the entire staff of Permit & Enforcement.

14 Okay. We are going to have a wonderful
15 presentation from the County of Sonoma. And Ken Wells,
16 the Executive Director of Sonoma County Waste Management
17 agency, will do a presentation.

18 After your presentation we're going to take up
19 Item No. 3. So Pat is aware of that.

20 Okay. Thank you for your hospitality.

21 MR. WELLS: Good morning, Madam Chair and Board
22 members. Welcome to Sonoma County. One of the most
23 wonderful places in the world, I think. I certainly love
24 it here.

25 My name is Ken Wells. I actually have two roles

1 in the solid waste system in Sonoma County. One is as the
2 Executive Director of the Sonoma County Waste Management
3 Agency; and also as the Integrated Waste Manager for the
4 County of Sonoma; which are actually two different
5 government agencies. And I'll be briefly and rapidly
6 summarizing Sonoma County's solid waste system for you
7 right now. And I'd be happy to answer any questions you
8 have and then we'll go into the other items on your
9 agenda.

10 (Thereupon an overhead presentation was
11 Presented as follows.)

12 MR. WELLS: So first of all, in Sonoma County we
13 have three basic roles. We have -- each of the
14 jurisdictions is responsible for the collection of waste.
15 The county is responsible for the solid waste disposal
16 sites. And the Sonoma County Waste Management Agency
17 handles all the AB 939 and countywide regional programs.

18 --o0o--

19 MR. WELLS: Specifically, each jurisdiction has
20 private haulers. We have two primary haulers in Sonoma
21 County: Empire Waste Management, which is a subsidiary of
22 Waste Management, Inc.; and North Bay Corporation, which
23 is a locally owned firm.

24 --o0o--

25 MR. WELLS: And then we have just a distribution

1 map to show you how they're mapped -- how they're services
2 are distributed throughout the county.

3 --o0o--

4 MR. WELLS: One of the newest things we've done
5 in Sonoma County, started in 2000, was the single-stream
6 program. Before most everyone had the three crates for
7 the recycling and a garbage can and a yard waste can. But
8 afterwards we substituted a single blue bin. And that's a
9 theme of much of our education, as the single-stream
10 recycling has been very, very successful.

11 --o0o--

12 MR. WELLS: One of the things that we've added to
13 the blue bin program that some people may not be too
14 familiar with, we've done a lot of research in what's
15 called community-based social marketing. And in that
16 process we've discovered there are certain barriers to
17 behaviors. And we want to try to remove those barriers as
18 best we can. And one of the ways is to make sure that
19 people have a prompt of what goes into your recycling can.
20 We have a label that we've created and coordinated with
21 our hauler to have placed on every can so that people have
22 that prompt when they go to the recycle bin, this is what
23 goes in it. We have about a 20 percent hispanic
24 population, and so we've made that bilingual. And that
25 provides both English and Spanish.

1 --o0o--

2 MR. WELLS: The single-stream program, just
3 briefly, was made possible because of new technology. In
4 the case of Empire Waste Management, they invested in the
5 Bollegraaf system.

6 --o0o--

7 MR. WELLS: And in the North Bay Corporation they
8 use bulk handling systems equipment for the single-stream
9 recycling.

10 --o0o--

11 MR. WELLS: In the disposal system the county has
12 one landfill currently, the central disposal site. We
13 have four transfer stations. And we're also responsible
14 for operating seven closed -- or maintaining and managing
15 seven closed landfills.

16 --o0o--

17 MR. WELLS: And here's a map of the county. We
18 have transfer stations from the very far north, up by Sea
19 Ranch in the Annapolis area, down to the Sonoma Transfer
20 Station, the central disposal site. And then Healdsburg
21 and Guerneville are our other major sites.

22 --o0o--

23 MR. WELLS: This just a quick overview of the
24 central disposal site. I was able to give a tour to Board
25 Member Mulé yesterday and describe it. It isn't just a

1 dump. We do lots of stuff there. And it is truly I
2 believe an integrated waste management facility. And in
3 fact I'm proud to say that the National Recycling
4 Coalition recognized that in 2004 and awarded us the
5 outstanding local government program for our program here.

6 --o0o--

7 MR. WELLS: The Waste Management Agency, my other
8 major hat, it's responsible for AB 939 programs. It was
9 created specifically as a response to AB 939. We have --
10 all of the jurisdictions in the county are represented.
11 And each jurisdiction has a single vote. And we have six
12 primary responsibilities.

13 --o0o--

14 MR. WELLS: Wood waste and yard waste are both --
15 are considered separately because they are actually
16 different materials and they are handled differently.
17 Household hazardous waste is a regional program.
18 Recycling education, solid waste diversion, which is
19 primarily handling the DOC -- Department of Conservation's
20 programs that we operate. And then waste management
21 planning, the countywide integrated waste management plan.

22 --o0o--

23 MR. WELLS: The wood waste processing, just
24 briefly. We collect it in all the County disposal sites.
25 In 2003 we had managed to get about 13,000 tons collected.

1 We primarily use it for biomass and landscape products.

2 --o0o--

3 MR. WELLS: The yard waste program is very
4 successful. We started this in 1993 on an interim cover
5 at the landfill. We're currently in the process of trying
6 to identify a permanent site for that operation, which
7 hopefully we'll have done in the next couple years.
8 You'll be -- hopefully I'll be able to come to you in the
9 hopefully near future with a permit request for that new
10 site.

11 This has been a very successful program. Not
12 shown on this particular chart is the fact that we knew
13 that in 2000 -- in 1990 when we did a waste
14 characterization study about 15 percent of our waste
15 stream was comprised of yard debris. By 1996 we'd reduced
16 that by about half. And we did some calculations for
17 2003. And we're discovering that we're diverting --
18 nearly 95 percent of the green waste that goes into the
19 system comes to the composting program. So basically
20 we've removed nearly all of the green waste from the
21 garbage stream, and it is in the organics recycling
22 stream. And we're very proud of that. And it did take
23 years. It's not something that happens overnight. But
24 we're very proud of that particular program.

25 --o0o--

1 MR. WELLS: Household hazardous waste. We just
2 opened our permanent toxic waste facility. It's open
3 three days a week to the community at no charge to
4 residents. Because we are a large county we actually have
5 roving, what you call community toxic collections once a
6 week throughout the county so that people don't have to
7 drive a long distance to do the right thing.

8 We also for those folks that really can't even do
9 that we have actually house pick-ups for a fee. For those
10 folks that are moving or other reasons, we can provide
11 that household service direct to your door at a fee. We
12 also provide for low income and disabled free service for
13 that service.

14 The toxics roundups, the large events where we
15 would -- we would normally see anywhere from 600 to 1200
16 people, we've discontinued those because those have been
17 substituted by the new program.

18 --o0o--

19 MR. WELLS: Recycling education. The recycling
20 guide, I believe I presented one for each of you there.
21 That's actually kind of a pull-out from -- the fact is in
22 Sonoma County for the last three years we've published the
23 recycling guide in the phone book. Look in the yellow
24 pages under R, under recycling there's a 28-page recycling
25 guide. We were the first to do that in the nation, in the

1 world as far as I know. And in fact it's been picked up
2 by dozens of communities around the state now as a means
3 by which to distribute information.

4 We were finding that -- we were distributing the
5 recycling guide through direct mail. Before that we did
6 it in newspaper inserts. And we did surveys and we found
7 that people just didn't even know they received it.

8 This is a method by which -- we feel that most
9 people don't toss their phone book as soon as it shows up.
10 So it's a way of really getting it in front of people who
11 are going to save it and use it and have that as a
12 resource.

13 So the California Resource Recovery Association
14 recognized our leadership in that area and provided that
15 award to us in 2003.

16 We also have a hotline phone service for folks
17 that want to just get that personal touch. As well as the
18 Internet of course, as everybody does, we have a very
19 extensive Internet site that has all the information in
20 the cycling guide, plus much more recent update
21 information as you need it.

22 --o0o--

23 MR. WELLS: Recycling education also includes
24 going out to the public. And so we do booths and we have
25 displays.

1 --o0o--

2 MR. WELLS: Solid waste diversion, as I mentioned
3 earlier, is primarily funded through the Department of
4 Conservation's container redemption value funding. We are
5 in the process of trying to establish a -- my goal has
6 been wherever you're in a public place in Sonoma County,
7 if you see a garbage can, there's going to be a recycling
8 bin next to it. That's been the goal. We're using it as
9 best we can to stretch that money we have to that goal.
10 And at this point we've managed to reach all the county
11 parks, most of all the city parks, and some of the open
12 areas, some of the public plazas, ball parks, things like
13 that, with recycling containers.

14 In fact, the one in the center here I want to
15 point out in specific. The county's probation -- or Youth
16 Offenders Program builds these out of recycled plastic for
17 us. And the Probation Department uses adult supervised
18 crews to actually collect the materials. So this is an
19 internal training program, an internal service program
20 that has been I think well received and I'm certainly
21 proud of it and what we've been able to do here on that
22 program.

23 --o0o--

24 MR. WELLS: And, finally, in the planning, we are
25 an AB 939 regional agency with all ten jurisdictions. We

1 do the reporting. And we just recently updated our
2 countywide integrated waste manage plan in 2003. We
3 actually rewrote the whole thing because it had become
4 dated. We were the first to submit a complete up-to-date
5 plan to this Board in 1994. And we want to make sure we
6 stayed up, and so we now currently have a 70 percent
7 recycling goal by the year 2015. We're on track to making
8 that, I hope. I'll qualify that a little bit. But I
9 think we have a good chance of doing that.

10 And then just rapidly here, we have current
11 issues. We always have issues. In this particular case
12 the Regional Water Quality Control Board has had concerns
13 about some of the landfill operations and the groundwater
14 issues. They have asked us to no longer expand the
15 landfill at this point in time. So we're going to have a
16 capacity shortfall. And beginning next month, we will be
17 out-hauling a hundred percent of our waste instead of
18 burying it here.

19 And also, the out-haul has generated a
20 significant cost increase in disposal fees. The City of
21 Petaluma decided that rather than increase -- pass those
22 increases on to their constituents, they went ahead and
23 agreed with their hauler to take their garbage out of the
24 county, which leaves the county with a problem because
25 those fees were what were paying for the monitoring and

1 maintenance of the old sites. And so we're having
2 conversations -- the county is having conversations with
3 the leadership of the City of Petaluma to try to resolve
4 this issue. But that certainly is an issue.

5 --oOo--

6 MR. WELLS: Just another quick fact. And I just
7 wanted -- this is really an issue of the Board I think you
8 should be aware. I think we've been very successful.
9 This chart I hope shows that pretty clearly. We have been
10 dealing with the underdrain water at the landfill. You can
11 see in the top chart a graph of the contamination that we
12 determined -- that we identified coming out from the
13 underdrain water at the new East Canyon. We see it
14 matching up very clearly with daily rainfall and the
15 groundwater discharges.

16 But by the '04-'05 season, which is the second
17 half of the chart, you can see that the -- there's a
18 little bit of a tailing off of the VOCs, but the rainfall
19 did not reflect -- we did not see it coming back with the
20 rainfall. So we feel very confident that we've addressed
21 those issues and that we're on a path to making a complete
22 correction for that particular issue.

23 A little bit more than five minutes, but not
24 much.

25 So that is my presentation. And thank you very

1 much.

2 CHAIRPERSON MARIN: Thank you, Mr. Wells.

3 Does anybody have any questions?

4 I don't have any questions. But I do want to on
5 behalf of the Board congratulate you. You know, there are
6 many people that receive awards for different reasons.
7 You have been highlighted, the county has been
8 highlighted. And we think that that was a very well
9 deserved award that you guys received.

10 So with that, if it is okay with everybody, Pat,
11 could we take Item No. 3 on the agenda?

12 DEPUTY DIRECTOR SCHIAVO: Sure.

13 Good morning. Pat Schiavo, Diversion, Planning
14 and Local Assistance Division. And I'm here for Item No.
15 3, which is consideration of a request to change the base
16 year to 2003 and consideration of Petition for a Sludge
17 Diversion Credit for the Sonoma County Waste Management
18 Authority.

19 You saw the excellent job they're doing with
20 their program implementation. And as a result their 2003
21 generation rate was -- you know, 2000 was what, 36 percent
22 and obviously not reflective of what they were doing. So
23 they went ahead and pursued a new base year. The base
24 year was 55 percent, which is much more reflective. In
25 addition, with sludge and biomass it's 56 percent.

1 Board staff went out and verified the results.
2 They felt very comfortable with that. And as a result we
3 would like to recommend approval of this item.
4 CHAIRPERSON MARIN: Okay. Are there any
5 questions?
6 Are there any questions regarding this item?
7 No?
8 See what happens when you get the entire Board to
9 come here?
10 Okay. Is there a motion for Resolution 195?
11 BOARD MEMBER MULÉ: Madam Chair, I'd like to move
12 Resolution 2005-195.
13 BOARD MEMBER PEACE: Second.
14 CHAIRPERSON MARIN: Moved and seconded.
15 Call the roll please.
16 BOARD SECRETARY BAKULICH: Mulé?
17 BOARD MEMBER MULÉ: Aye.
18 BOARD SECRETARY BAKULICH: Peace?
19 BOARD MEMBER PEACE: Aye.
20 BOARD SECRETARY BAKULICH: Washington?
21 BOARD MEMBER WASHINGTON: Aye.
22 BOARD SECRETARY BAKULICH: Marin?
23 CHAIRPERSON MARIN: Aye.
24 Okay. You get your new base year.
25 Okay. Let's go back to the agenda. At this

1 point in time if anybody wishes to address the Board on
2 items not in the agenda, this would be the time to do so.

3 Okay. Hearing none, we'll go to the consent
4 agenda.

5 For everybody's benefit, there's a whole bunch of
6 items on the consent agenda: Items No. 4, 5, 6, 7
7 revised, 8, 9, 10, 11, 12, 16, 17, 18 revised, 19, 20, 22,
8 23 revised, 24, 27 revised, 31 revised, 32, 33 revised, 34
9 revised, 35 revised and 36 revised.

10 Is there a motion?

11 BOARD MEMBER WASHINGTON: Madam Chair, I'd like
12 to move adoption of the consent calendar.

13 BOARD MEMBER MULÉ: Second.

14 CHAIRPERSON MARIN: Okay. Moved and seconded.

15 Let me just ask this question: No one wishes to
16 delete or remove any items from consent agenda?

17 Okay. Hearing none. That's fine.

18 So there is a motion to approve the consent
19 calendar.

20 Is there a second?

21 BOARD MEMBER MULÉ: Second.

22 CHAIRPERSON MARIN: Moved and seconded.

23 Call the roll please.

24 BOARD SECRETARY BAKULICH: Mulé?

25 BOARD MEMBER MULÉ: Aye.

1 BOARD SECRETARY BAKULICH: Peace?

2 BOARD MEMBER PEACE: Aye.

3 BOARD SECRETARY BAKULICH: Washington?

4 BOARD MEMBER WASHINGTON: Aye.

5 BOARD SECRETARY BAKULICH: Marin?

6 CHAIRPERSON MARIN: Aye.

7 Okay. Just for everybody's benefit, there will
8 be three items recommended for fiscal consent. We will
9 hear each one of them individually. But there will be a
10 very short presentation on them.

11 Items 13, 14, 15 and 21 have been pulled from the
12 agenda.

13 Item 30 was revised and was heard at the
14 committee only. So we will not have a presentation on
15 that item here.

16 And only Items 1 revised, 2 -- 3 we already dealt
17 with -- 28 revised and 37 will be heard by the full Board.

18 So with that, I guess it's time for Item No. 1.
19 But before I do that, let me call upon Ms. Cheryl Peace,
20 Special Waste, a report from you.

21 BOARD MEMBER PEACE: You mentioned Item 28. Is
22 29 -- that's a fiscal --

23 CHAIRPERSON MARIN: That was already --

24 BOARD MEMBER PEACE: -- that should be on fiscal?

25 CHAIRPERSON MARIN: Yes.

1 BOARD MEMBER PEACE: Okay. Gee, a Special Waste
2 Committee report. This is a very unusual month, because
3 for the first time -- in two and half years since I've
4 been on the Board we didn't have a Special Waste Committee
5 meeting. We have only two special waste items this month:

6 One, the report on the status and the request for
7 direction for the remediation of the Sonoma County waste
8 tire sites. Obviously this item was more appropriate to
9 discuss here at the full Board since we are here in Sonoma
10 county.

11 And, two, the scope of work for the tire-derived
12 product business assistance program. We decided to move
13 this item to the full Board, as it has already been
14 discussed at length in the waste tire interested parties
15 meetings, the last one being held just last August 1st.

16 And that concludes my report.

17 CHAIRPERSON MARIN: Excellent.

18 So that leaves us with you, Mr. Lee.

19 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

20 And good morning, Board members. My name is Jim Lee,
21 Deputy Director of the Special Waste Division.

22 Madam Chair, the first item this morning is the
23 consideration of the scope of work for the Tire-derived
24 Product Business Assistance Program. (The tire Recycling
25 Management Fund, Fiscal Years 2005-6 and 6-7.

1 Calvin Young will make the staff presentation.

2 CHAIRPERSON MARIN: Okay. Mr. Young.

3 MR. YOUNG: Good morning. My morning. My name
4 is Calvin Young with the Tire Diversion Section.

5 Yes, this is for the scope of work for the
6 Tire-derived Business Assistance Program.

7 There has been a great deal of discussion already
8 on this particular program through our interest parties
9 meetings. And, in fact, I'm pretty pleased with that. It
10 was first brought up at the tire conference back in April
11 of this year and then was discussed at our May, June and
12 just on August 1st interest in tires meetings.

13 Though they started out small, they ended they
14 ended up -- they're ending up getting a fair amount of
15 participation. Our last information that we have for the
16 August 1st meeting was about 35 people in attendance, a
17 dozen on the phone and 115 on the Internet. Yes. So we
18 are reaching out via the Worldwide Web. So I'm pleased
19 that we're getting that sort of participation and interest
20 in the program here.

21 I just wanted to give a brief description of the
22 program just as a summary, and then a little bit on the
23 scope. And then I'll open up for any questions that folks
24 may have.

25 The program itself is taking a very different

1 approach now from what a lot of things have been in the
2 past. Rather than giving them fish, so to speak, we're
3 teaching them how to fish or how to fish better. It's not
4 a case of staff telling a business, "This is how you
5 should run your business." They know best how to run
6 their business. We just want to help give them the tools
7 that they can do it better and divert more tires.

8 So after a great deal of discussion with
9 stakeholders we came up with a program that would provide
10 that sort of technical assistance. And we kind of grouped
11 it into four broad categories. Those being:

12 General business assistance helping with business
13 plans, helping to -- you know, maybe accounting systems
14 and so on and so forth.

15 Technical assistance, with maybe optimizing their
16 manufacturing process or helping things of a technical
17 nature.

18 Marketing, which seems to be a very big request.

19 And one of the ones that kind of came up as a --
20 well, maybe not so much a surprise, but is the amount that
21 it may need is getting to be more and more in testing the
22 certification of new products. And that's actually pretty
23 exciting, because by needing more testing the
24 certification of new products, that tells me that we're
25 not just making the slices of the pie bigger; we're

1 actually growing the pie itself, we're actually creating
2 demand for products by introducing new products.

3 The scope of work for the contractor -- the
4 contractor's work will basically be in two major areas:
5 One is helping to provide a general business assistant --
6 assessment of the business. And the second being to
7 provide the actual assistance.

8 In response to comments that we've had from
9 stakeholders and board offices throughout the last few
10 meetings, we took a different approach on how to deal
11 with the initial assessment. And basically what we ended
12 up with was working in cooperation with the Recycling
13 Market Development Zone staff to help provide some of the
14 technical business plan analysis and mainly the financial
15 analysis of these businesses. And they'll be working with
16 the tire staff of course.

17 We hope that by utilizing staff in this upfront
18 approach, that will minimize the contractor dollars that
19 will be spent on the assessment, resulting in more of
20 those dollars being made available for actual assistance
21 to the business. So I'm pretty pleased that we were able
22 to structure that.

23 Additionally, in response to comments that we
24 received, there seem to be a great deal of need for, oh,
25 assistance that would be, you know, broader and

1 industry-wide or maybe a sector-wide approach. I don't
2 want to say it's kind of like "Got milk?" you know, "Got
3 tires?" or whatever, but something that would affect the
4 industry as a whole or a sector of that industry. So we
5 added appropriate language to the scope of work that would
6 enable the contractor to perform those kind of activities
7 upon direction from the Board that that's where we wanted
8 to go on certain areas.

9 So we've taken -- and it's morphed along the way.
10 But I think it's changed for the better in response to
11 comments that we've gotten from stakeholders and board
12 offices.

13 We've addressed a lot of the issues as far as,
14 you know, maximizing the monies for the actual assistance.
15 We have addressed a lot of the concerns that were raised
16 initially as far as, "Well are we just going to give money
17 out without doing any analysis of the business?" Because
18 in the past there's been some concern regarding the
19 viability of the business. Well, now we're going to have
20 a mechanism in place to evaluate the viability of those
21 businesses.

22 And we break the assistance into categories.
23 We're looking at a start up where somebody that says, "I
24 have a wonderful idea, and I want to do something." Well,
25 okay, fine. Your needs are very different than a large

1 crumb rubber manufacturer. So we recognize that and are
2 tailoring the program to address the needs of everything
3 from a concept business to a young or a small business, to
4 one of the larger, more established businesses.

5 And we're also incorporating in that the
6 mechanism to evaluate based on not "Gee, this is what I
7 say I'm going to do in the next 12, 24, 36 months," but
8 show me what you did in the last 12. Show me how many
9 tires you've diverted in the last 12 months. We're
10 looking at an approach that basically is more of
11 thresholds rather than subjective criteria, more of a
12 "show me what you've done" rather than tell me a promise.

13 So we're trying to incorporate these things. And
14 I bring before you today the scope, realizing that the
15 process and the criteria will be coming to you for your
16 consideration in November. The contractor recommendation
17 will be coming to you in December. We've been working
18 with our contract staff and our legal staff, and we feel
19 comfortable that we're addressing a lot of the issues and
20 everything is pretty much all on line.

21 With this timetable we hope to be able to be
22 providing assistance or getting applications and providing
23 assistance early next year.

24 So that basically concludes my presentation.
25 Staff of course recommends adopting Option 1 and approving

1 the scope of work and adopting Resolution 2005-227.

2 CHAIRPERSON MARIN: Okay. Thank you, Mr. Young.

3 Are there any questions regarding the scope of
4 work from Board members?

5 Ms. Peace.

6 BOARD MEMBER PEACE: Yeah, I just wanted to say
7 I'm really happy with how this has turned out with all the
8 comments and input that we got from stakeholders,
9 especially the main change that stakeholders wanted to see
10 more flexibility in this so that we -- so that the
11 contractor could address the industry-wide problems that
12 there are. And so I was really happy to see this.
13 Because there are such things that -- that they brought
14 up, such as our standardized certification quality control
15 standards, dealing with consumers' lack of knowledge. A
16 lot of these things are industry wide. So I was happy to
17 see that that was brought out and that it was changed.

18 One question I have: Where it says that the
19 contractor will be providing a report that will identify
20 the types of the results of the assistance provided
21 including the sales and the PTEs diverted. So who is --
22 is somebody going to be creating like a base line so we --
23 you know, we need a base line from which to measure the
24 success. So is the contractor then -- they'll be doing
25 that as part of their report? Or is staff going to be

1 doing any of that?

2 MR. YOUNG: Good question. Thank you.

3 What we will be doing is, as businesses submit
4 requests for assistance, we will be reviewing their
5 financial information. We'll also be reviewing the number
6 of pounds of rubber, or PTEs, that are recycled. So we
7 will use that as basically our base-line information.

8 We are requiring as part of our grant agreement --
9 or part of our service agreements with these businesses
10 that they continue to provide that kind of information,
11 just basic sale -- not detailed information, but at least
12 the sales and tire information for an additional five
13 years. That will give us not only a base line to see
14 where we started from, but also incrementally as far as
15 how things are progressing.

16 Individual company information will be
17 proprietary and not released. Aggregated information will
18 be made available. We've worked with Legal also, worked
19 through the issues as far as confidentiality, Public
20 Records Act and what have you, and we feel we have a good
21 handle on that.

22 BOARD MEMBER PEACE: Well, you answered my next
23 question. Because this was just a contract for like two
24 years. And I wanted to make sure that we got information
25 for longer than two years, because sometimes it might take

1 a couple years for, you know, what we're helping them with
2 to actually come to fruition. So that staff -- so that
3 you're requiring the grantees then to continue to give you
4 the information for five years. That's great.

5 MR. YOUNG: Correct. So that will even continue
6 beyond the term of our agreement with the contractor.

7 BOARD MEMBER PEACE: Great. Thank you.

8 CHAIRPERSON MARIN: I'm glad you raised the very
9 first point regarding market-wide, you know, statewide.
10 Because as we are attempting to create a demand, you know,
11 we already -- we know we have the suppliers. We've given
12 them -- excuse me -- we've given many of our suppliers or
13 manufacturers of crumb rubber a significant amount of
14 money in grants and to buy equipment, to -- you know,
15 whatever it is that they need. But I really want to -- I
16 want us to pay special attention to a statewide. You
17 know, there may not be the awareness on behalf of
18 businesses that may actually benefit from this material
19 that this is available, that -- and so a special attention
20 needs to be paid to a statewide working with businesses
21 that could potentially use this product.

22 I think that we spend a significant amount of
23 money with our suppliers of crumb rubber and other
24 tire-derived products, you know. If we're going to create
25 the demand, it needs to be -- maybe we need to create an

1 awareness, a statewide awareness of the benefits of these
2 products. And so I'm -- I'm glad you and I think alike,
3 how's that?

4 And then I'm sure my other colleagues feel that
5 way. But I think that -- to me this is rather important,
6 because unless people are aware of what the benefits are,
7 they're not going to purchase this. And we're going to
8 create the supply, but there is no demand for it. So I
9 like that.

10 Okay. Any further questions or comments
11 regarding this item?

12 Is there a motion?

13 BOARD MEMBER PEACE: I would like to move
14 Resolution No. 2005-227.

15 BOARD MEMBER MULÉ: Second.

16 CHAIRPERSON MARIN: Moved and seconded.

17 Call the roll please.

18 BOARD SECRETARY BAKULICH: Mulé?

19 BOARD MEMBER MULÉ: Aye.

20 BOARD SECRETARY BAKULICH: Peace?

21 BOARD MEMBER PEACE: Aye.

22 BOARD SECRETARY BAKULICH: Washington?

23 BOARD MEMBER WASHINGTON: Aye.

24 BOARD SECRETARY BAKULICH: Marin?

25 CHAIRPERSON MARIN: Aye.

1 Thank you, Calvin.

2 MR. YOUNG: Thank you.

3 CHAIRPERSON MARIN: Okay. Number 2 -- Item No.
4 2.

5 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

6 Item No. 2 is report of the status of and request
7 for direction for the remediation of the Sonoma County
8 Waste Tire Sites.

9 Madam Chair, I'm very pleased to be bringing this
10 item forward to the Board this morning. As Board Members
11 Mulé and Peace were able to observe for themselves
12 yesterday, a significant progress has been and is being
13 made on the remediation of the Sonoma County sites.
14 Indeed, as you saw yesterday at the Beebe Family Ranch
15 site, which was the largest known single -- the largest
16 known pile of tires remaining in the state, we expect to
17 complete remediation of that site within the next month or
18 so.

19 We also have progress reports on at least a
20 couple of the other sites.

21 What you'll be hearing this morning is kind of a
22 joint presentation from Special Waste Division staff and
23 our Legal Office. You will also be receiving testimony
24 from some of the involved land owners and their
25 representatives.

1 As the title of this agenda item notes, again we
2 will -- we want to report on the status of these, but also
3 ask for your request for direction on whether or not again
4 additional Board and Board staff involvement needs to be
5 undertaken to further facilitate and expedite the cleanup
6 of the remaining sites.

7 With that, I turn the presentation over to Bob
8 Fujii, who will now make the presentation and introduce
9 the other people that will be speaking.

10 CHAIRPERSON MARIN: Our fearless leader. This is
11 a cleanup of the tire piles.

12 Go ahead, Mr. Fujii.

13 TIRE REMEDIATION & ENGINEERING TECHNICAL

14 ASSISTANCE SUPERVISOR FUJII: Thank you for that
15 introduction.

16 (Thereupon an overhead presentation was
17 Presented as follows.)

18 TIRE REMEDIATION & ENGINEERING TECHNICAL

19 ASSISTANCE SUPERVISOR FUJII: Madam Chair, members of the
20 Board. Bob Fujii, Special Waste Division. With that
21 introduction, it's kind of a good lead into what we're
22 going to be talking about this morning. Let's get right
23 to it.

24 --o0o--

25 TIRE REMEDIATION & ENGINEERING TECHNICAL

1 ASSISTANCE SUPERVISOR FUJII: There are eight sites in
2 Sonoma County: The Beebe Family Ranch site; the Briggs
3 site; the Silacci site; Universal Portfolio site, the
4 Wilson Beebe Trust site, the Infineon site, the Flochinni
5 site, and the Ahlgrim site. These sites constitute the
6 last largest known remaining tire piles in the state.

7 Of those big sites, I'll just give you a real
8 quick rundown of kind of where we are with the remaining
9 of them.

10 We're currently working on two of the sites, the
11 Beebe Family Ranch site, which several of you had an
12 opportunity to take a look at yesterday, and also the
13 Briggs site.

14 Additionally, there are three other sites that we
15 may potentially be working on this summer if everything
16 goes well with the grade permits. And those are the
17 Silacci site, the Universal Portfolio site, and the Wilson
18 Beebe Trust site.

19 --o0o--

20 TIRE REMEDIATION & ENGINEERING TECHNICAL

21 ASSISTANCE SUPERVISOR FUJII: Next let me give you a
22 little status of where we're at with the ones that we're
23 working on currently.

24 The two sites that we're currently working on,
25 like I said, are the Beebe Family Ranch and the Briggs

1 site.

2 Let's start with the Beebe Family Ranch site.

3 This is a site that had a number of very complicated
4 environmental issues, which we needed to address before we
5 could begin removing any of tires there. These issues
6 included an intermittent stream channel running through
7 the site or wetland areas in and around the site. And
8 also the potential that we might find several special
9 status or endangered species of animals or plants out
10 there that may require us to monitor and then take some
11 appropriate actions.

12 --o0o--

13 TIRE REMEDIATION & ENGINEERING TECHNICAL

14 ASSISTANCE SUPERVISOR FUJII: Then in terms of the
15 environmental compliance process. Under the oversight of
16 the Board as the lead agency, the landowners completed
17 some -- numerous tasks to assure compliance with all the
18 environmental requirements.

19 I'm not going to go through them all. But as you
20 can see, the landowners applied for permits and approvals
21 and determinations from seven different federal and state
22 county agencies before we could begin this -- you know,
23 our part of the project was this tire removal. And they
24 could begin their part of the project, which was the site
25 restoration.

1 --o0o--

2 TIRE REMEDIATION & ENGINEERING TECHNICAL

3 ASSISTANCE SUPERVISOR FUJII: With that, I'm going to turn
4 this over to Albert Johnson, who is going to be -- and
5 Karen Gerbosi, who are going to be giving you a little
6 more detail on the status report for the Beebe Family
7 Ranch site. And then Albert Johnson will follow up with a
8 status report on the Briggs site.

9 And with that I'll introduce Albert Johnson.

10 MR. JOHNSON: Good morning, Madam Chair, members
11 of the Board. My name's Albert Johnson. I'm the Project
12 Manager for the remediation of these sites.

13 I'm going to talk about the Beebe Family Ranch
14 site, the tire removal portion of the project, because
15 that's what the Board's responsible for. And then I'll
16 turn it over to Karen Gerbosi, the property owner, who
17 will talk about the site restoration work which she
18 currently has underway out there.

19 The Beebe Family Ranch site had three tire piles
20 on it. The total square footage of the tire piles is
21 approximately 70,000 square feet. We had this site
22 surveyed several years ago. That's why we have a very
23 accurate area delineation. And we began work at the
24 beginning of June of 2005.

25 We estimate there's about 250,000 thousand tires

1 out there based on what we've removed. We'll have a more
2 exact number once the tires are all shipped off site.

3 --o0o--

4 MR. JOHNSON: Here's an aerial shot of the site
5 so we can see the three piles. This is the northernmost
6 pile, this is the central pile, and this is the southern
7 pile.

8 --o0o--

9 MR. JOHNSON: We started our work on the
10 northernmost pile, what you see here. We began our
11 excavation. And this is what the tires look for when
12 they're in place. I think you were all there historically
13 and you're able to see the tires.

14 --o0o--

15 MR. JOHNSON: Here's a picture of the central
16 pile, which just shows more tires, shot back in the
17 summer.

18 --o0o--

19 MR. JOHNSON: So we began removal with the
20 excavator. We picked up the tires that were on the --
21 easily exposed along the edge of the fire break that was
22 cut by the property owner, which was required by the fire
23 service -- and load the tires in to trucks.

24 --o0o--

25 MR. JOHNSON: This is the northernmost pile. As

1 we got down deeper into the pile, some of the tires were
2 silted up and quite dirty. So those tires all needed to
3 be removed also so the property could implement their
4 erosion control plan. So they kept excavating down into
5 the mucky tires. And there's a picture that shows close
6 to the bottom of the hole. It was pretty wet down there.

7 --o0o--

8 MR. JOHNSON: So once the tires were excavated,
9 they were loaded into trucks. We hauled them off. Here's
10 the relatively clean tires in the stockpile.

11 --o0o--

12 MR. JOHNSON: And here's a close-up of the
13 stockpile of the tires that came from the bottom of the
14 hole that were all silted up. You see they're quite
15 dirty. And we -- the Board made the determination that
16 these tires are altered, they're impractical to shred. So
17 they're being hauled off for disposal as is.

18 --o0o--

19 MR. JOHNSON: The remaining tires that are good
20 are being shredded on site. This was our most
21 cost-effective alternative and it's worked out really
22 well.

23 So here's a picture of the shredder. This is the
24 inlet of the shredder. There's a conveyor there that
25 keeps the tires into the cutters. They're placed on there

1 with an excavator. And there's the excavator. Here's the
2 outlet side. These are the primary shreds that are
3 reduced by the shredder that's out there at the site.

4 --o0o--

5 MR. JOHNSON: There's a stockpile of the primary
6 shreds. And there's a picture of the trucks hauling off
7 the altered tires to the landfill.

8 The thing is, the primary shreds -- we have a
9 deal with -- we approached Yolo County because we knew
10 they had a project ongoing. And we're going to be able --
11 although the altered tires are all going for disposal as
12 is, the primary shreds are -- there's probably about 2,000
13 tons out there -- are all going for a reuse at the Yolo
14 County landfill or their gas collection system, with that
15 sort of experimental cell. I think you're kind of
16 familiar with that because he's approached the Board and
17 discussed that project with you. So that's where all
18 those shreds are going.

19 And we've worked out our schedules. We're
20 starting to deliver the shreds, where we just started
21 recently. And we worked our schedule with the landfill
22 schedule. So he's getting them all now when he needs
23 them. The Cell's under construction as I speak here.

24 --o0o--

25 MR. JOHNSON: And with that, I'll turn it over to

1 Karen Gerbosi, and she'll talk about the site restoration.

2 CHAIRPERSON MARIN: Thank you, Albert.

3 Ms. Gerbosi.

4 MS. GERBOSI: Okay. Good morning, Madam Chair
5 and members of the Board. My name is Karen Gerbosi. I'm
6 the property owner. My brother, my sister and myself are
7 the property owner for the Beebe Family Ranch. I'm here
8 today to participate in this presentation.

9 This is a photo of the north end of the site at
10 the -- after the tires have been removed but before we've
11 done our restoration. And this is a photo -- again I'm
12 going to take you right back again -- before, after or
13 while.

14 --o0o--

15 MS. GERBOSI: So -- once more just for the
16 excitement.

17 (Laughter.)

18 MS. GERBOSI: I love this.

19 (Laughter.)

20 MS. GERBOSI: So when the last tires were taken
21 out of this section of the ravine, which was on I believe
22 the 18th of July, our grading contractor came in, and we
23 had to put in 1200 tons of rock in the bottom of that
24 ravine, because again -- one more time -- this thing was
25 real deep. And we raised the bottom of it up by somewhere

1 between 8 and 10 feet to recover the slope that we have
2 there. Our alternative would have been -- we would have
3 had to cut back to create that same slope based on where
4 the new bottom was. So what we did was we raised the
5 bottom up to that.

6 What you see here is the straw bottles that are
7 put to break the water flow when the rains come. And
8 since then -- the people who were out there yesterday saw
9 that we now also have erosion control blankets over all of
10 that.

11 --o0o--

12 MS. GERBOSI: The next -- going backwards. Had
13 to see that one more time.

14 (Laughter.)

15 MS. GERBOSI: This is a shot from further down
16 the ravine looking up towards the barn. And the barn and
17 that buckeye tree is our continuing points of reference.
18 And this is the rock that's now in the bottom that again
19 is about 10 feet. And 1200 tons of rock are in there.

20 --o0o--

21 MS. GERBOSI: This is the middle section. This
22 is your removal equipment. This is just before the very
23 end of your tire removal with the state's contractor. And
24 that's what it looked like when the removal was going on.
25 And there's a few tires there in the foreground.

1 --o0o--

2 MS. GERBOSI: And this is after. This is after
3 our contractors come in and graded the slope back. We
4 haven't yet marked it here for the -- where the straw
5 bottles are going to be put down. But for those of you
6 who were out there yesterday, the straw bottles are there
7 and our erosion control -- the crew that lays down the
8 erosion control materials are out there right now as we
9 speak.

10 --o0o--

11 MS. GERBOSI: Which this is what -- the southern
12 section. This is probably about the 26th or 27th of July.
13 These tires are mostly out of there. And you can see how
14 that side of the ravine looks.

15 --o0o--

16 MS. GERBOSI: Whoa! I don't know what that is.

17 Oh, that's my pond.

18 (Laughter.)

19 MS. GERBOSI: But, anyway, that wasn't quite the
20 shot that I was going to give you. But the "after" on
21 that is that all of the tires -- the grading has been done
22 that looks similar to the other sections of the site.

23 The other thing that I just wanted to let you
24 know, that about a year from now we will have put in --
25 all the plants that will establish the long-term erosion

1 control will be planted. So in addition to the 400 pounds
2 of grass seed that have already been used, we will be
3 planting over 1500 native trees, which include varieties
4 of oak and willow as well as buckeye and California Bay
5 Laurel. And there will be over 8,000 native plants will
6 be planted along -- throughout the approximately nine-acre
7 site.

8 And I'm certain that my very frugal father would
9 not have chosen this way to protect the half mile ravine
10 from erosion. But I'm satisfied that what we're doing is
11 good for the land. And at the end of the day it has
12 always been the commitment of every good rancher to take
13 care of their land. And we are satisfied that we're
14 meeting that challenge.

15 We appreciate the cooperation of the Board and
16 the fair treatment we received from the Board and the
17 Board staff. And we've worked very hard to be good
18 partners in the accomplishment of this project.

19 Thank you.

20 CHAIRPERSON MARIN: Thank you.

21 Before you leave, Ms. Gerbosi, on behalf of the
22 entire Board, we want to acknowledge one more time both
23 your commitment and your desire to take care of not just
24 your land but the environment as a whole. And the steps
25 that you have taken really have not gone unnoticed. And

1 we applaud your individual commitment and your family's
2 desire to protect the environment.

3 So we really -- words cannot explain the
4 gratefulness from our part to you and to your family in
5 doing the right thing. You know, it can only benefit the
6 greater things. So we really appreciate all of what you
7 have done. On behalf of California, we appreciate that.

8 MS. GERBOSI: Thank you. Thank you very much.

9 MR. JOHNSON: Okay. I've got to wrap it up here
10 with a couple pictures of the Briggs site.

11 --o0o--

12 MR. JOHNSON: We currently have the Briggs waste
13 tire site being remediated by our contractor at this time,
14 and it should be finished in several weeks or so.

15 So at the Briggs site there was two areas where
16 the tires were placed. There was a lower stream area,
17 drainage. This is a picture of the tires in place along
18 that. They were kind of strung out. This is maybe a
19 quarter mile long, something like that.

20 And then there is an upper kind of an erosion
21 gully where the tires were dumped in there. They were all
22 pretty much together in this area.

23 --o0o--

24 MR. JOHNSON: And here's a picture of the
25 excavators, has pulled out all the tires along the lower

1 stream bed in this picture.

2 --o0o--

3 MR. JOHNSON: And here's a picture up in the hole
4 up on the top where the excavators pulled out maybe 25
5 percent of the tires that are in that area. They're still
6 working out there today, and working on them later this
7 week.

8 So with that, if you have any questions about the
9 remediation or the removal work that was done, I'd be
10 happy to answer them.

11 CHAIRPERSON MARIN: We just want you to do it for
12 the other seven sites. That's all. That's it.

13 MR. JOHNSON: Next week we can do something. See
14 what happens today.

15 But now then I'll turn it over to Bob Fujii, and
16 he'll continue.

17 CHAIRPERSON MARIN: Okay. Thank you.

18 BOARD MEMBER WASHINGTON: It would be good if we
19 could use Karen and have some influence with those other
20 seven sites on how we can do that --

21 TIRE REMEDIATION & ENGINEERING TECHNICAL
22 ASSISTANCE SUPERVISOR FUJII: I'm not sure either. We'll
23 either have Mr. --

24 BOARD MEMBER WASHINGTON: We can form some kind
25 of a -- use her as a poster child --

1 (Laughter.)

2 BOARD MEMBER WASHINGTON: -- help in getting
3 these other folks to jump in and help us out here.

4 TIRE REMEDIATION & ENGINEERING TECHNICAL
5 ASSISTANCE SUPERVISOR FUJII: Okay. I'm going to wrap up
6 by just giving a -- well, not wrap up, but provide a
7 status of kind of where we're at with the Silacci,
8 Universal Portfolio site, you know, Wilson Beebe Trust
9 site, or the other three that, as I mentioned before, are
10 potential sites that we could be working on this summer.

11 One of the reasons why we think we might be
12 working on them is because we've been informed by the lead
13 agency for these sites for the environmental compliance,
14 who is the Southern Sonoma Resource Conservation District,
15 that there are no other environmental permits required
16 except getting the grading permits. And so assuming that
17 we could do that, we would be able to go forward with a
18 cleanup.

19 CHAIRPERSON MARIN: Bob, let me just ask you:
20 The grading permits, who grants those permits?

21 TIRE REMEDIATION & ENGINEERING TECHNICAL
22 ASSISTANCE SUPERVISOR FUJII: It's the County PRMD.
23 Someone help with that. I'm not sure what that stands
24 for.

25 Permit Resource Management.

1 CHAIRPERSON MARIN: Do we have anybody from, you
2 know, from that outfit?

3 What about our good friend who just left, Ken.
4 Can he be helpful in securing those? Ken Wells.

5 TIRE REMEDIATION & ENGINEERING TECHNICAL
6 ASSISTANCE SUPERVISOR FUJII: I'm not sure about that.
7 That's maybe a question --

8 CHAIRPERSON MARIN: The county, right? Is it the
9 County?

10 All right. Thank you.

11 BOARD MEMBER WASHINGTON: Who was the gentleman
12 speaking about it? Can he stand up?

13 Can you come up to the mike for a second?

14 Just -- I'm sorry. But this might be pretty easy
15 for you.

16 Do you know who -- oh, yeah, come on, here she
17 is.

18 What are you hiding back there for?

19 I just want to ask a question about this board --
20 about this particular board in terms of who appoints the
21 members to that board?

22 MS. SWENT: To whose -- our board?

23 BOARD MEMBER WASHINGTON: The PR --

24 MS. SWENT: Oh, PRMD.

25 CHAIRPERSON MARIN: We need to identify.

1 BOARD MEMBER WASHINGTON: Identify yourself.

2 MS. SWENT: I'll circumvent this by saying the
3 permits have been issued.

4 CHAIRPERSON MARIN: The grading permit or --

5 MS. SWENT: Grading permits were issued --

6 CHAIRPERSON MARIN: Identify yourself. Sorry. I
7 know your name, but for the record.

8 MS. SWENT: Oh, I'm Leandra Swent. I'm the
9 District Manager of Southern Sonoma County Resource
10 Conservation District.

11 And I will be speaking --

12 CHAIRPERSON MARIN: Okay. So the permits have
13 been issued, correct?

14 TIRE REMEDIATION & ENGINEERING TECHNICAL
15 ASSISTANCE SUPERVISOR FUJII: Yes, right.

16 CHAIRPERSON MARIN: Great.

17 Okay. Next item.

18 TIRE REMEDIATION & ENGINEERING TECHNICAL

19 ASSISTANCE SUPERVISOR FUJII: So, anyway, I was going to
20 say how long it takes to do that. But I guess I won't
21 bother you with that.

22 (Laughter.)

23 CHAIRPERSON MARIN: We can start tomorrow.

24 TIRE REMEDIATION & ENGINEERING TECHNICAL

25 ASSISTANCE SUPERVISOR FUJII: Well, yeah. So logistically

1 that's something we'll have to work out in time.

2 Anyway, the last thing I guess I'd like to point
3 out is that, having done away with the grade permit issue,
4 is that the three sites that -- the two sites that we're
5 currently working on in addition to these next three sites
6 will constitute about a million of the approximately 1.1
7 million tires that are present in this area. So you can
8 see that, you know, we're getting the lion's share of them
9 done if we do these five particular sites. So we feel
10 like we've made some pretty good progress.

11 --o0o--

12 TIRE REMEDIATION & ENGINEERING TECHNICAL
13 ASSISTANCE SUPERVISOR FUJII: And with that I'm going to
14 turn this over to Steve Levine, who will give the
15 remainder of the presentation -- or the final segment of
16 our presentation. And he'll be up here in a second.

17 STAFF COUNSEL LEVINE: Good morning, Madam Chair
18 and Board members. Steve Levine with the Legal Office.

19 Basically just to conclude the item. Fortunately
20 it's very good news that an additional three sites may be
21 remediated this summer. If we can logistically get them
22 done with our contractors at this stage, as he said
23 approximately a million of the 1.1 million will have been
24 remediated. And that's a very great goal. And with that,
25 obviously those sites won't really be an issue if we can

1 get them completed and the site restoration done this
2 summer.

3 And that will only leave a handful of sites,
4 about three sites with less than a million tires left.
5 And so we're pretty confident that the Southern Sonoma
6 Resource Conservation District can continue to work on
7 those particular sites, which do have more difficult
8 environmental compliance issues involving red-legged frog
9 endangered species and others, which I believe she may be
10 talking about.

11 So basically our direction is just to assuring
12 that these remaining sites, which are a little more
13 complex, are done in the most expeditious way possible.

14 Given our Board's experience as acting as lead
15 agency on this particular site, as Board Member Washington
16 pointed out, we do have more experience now in dealing
17 with the kinds of environmental issues facing these sites
18 in Sonoma County.

19 And so basically we have set forth in the last
20 paragraph of the item sort of a straightforward method
21 where we would work with the Southern Sonoma RCD;
22 potentially provide our input to the extent that we feel
23 that there's something we can provide to them; and then
24 sort of work with them in conjunction to make sure that
25 we're all on the same page and we all have an

1 understanding of the difficulties facing these final
2 sites; and to the extent we can expedite things, work
3 together in doing so. And if there are any issues along
4 the way, the requests for direction just basically says
5 we'll be coming back to you to report on how things are
6 going.

7 So it's a pretty straightforward item, but that's
8 really what the item indicates.

9 --o0o--

10 STAFF COUNSEL LEVINE: Finally, as I know you're
11 expecting, the Southern Sonoma Resource Conservation
12 District, as well as any landowners who so desire, may
13 come up at this time and comment on the issues raised by
14 this item to facilitate the Board's decision on its
15 request for direction.

16 Also, as you're aware, with respect to the closed
17 session today, prior to retiring into closed session the
18 landowners will have an opportunity to address the Board
19 during the public comment that you may hold now or before
20 lunch with respect to cost recovery considerations with
21 respect to their respective sites.

22 CHAIRPERSON MARIN: Perfect.

23 STAFF COUNSEL LEVINE: So that concludes my
24 section.

25 And, Leandra, do you want to --

1 CHAIRPERSON MARIN: Let me --

2 BOARD MEMBER MULÉ: Madam Chair, there's --

3 CHAIRPERSON MARIN: Yes.

4 BOARD MEMBER MULÉ: Just have a question for
5 Steve.

6 STAFF COUNSEL LEVINE: Sure.

7 BOARD MEMBER MULÉ: Thank you.

8 The question that I have is -- when I read the
9 item and in listening to the discussion here today, you
10 were asking for staff to have greater involvement. I
11 guess I just -- I just now do not have a clear
12 understanding of what our involvement was prior to. I
13 mean I guess I had the assumption that we were more
14 involved than perhaps we were.

15 STAFF COUNSEL LEVINE: Well, of the eight sites,
16 six of those sites are being -- the lead agency was
17 decided, and without objection by this Board, back in
18 February of '04, I believe, that the Southern Sonoma
19 Resource Conservation District would be lead. We have --
20 and we are the lead agency on the Gerbosi site. She had
21 started some work earlier, so it was more appropriate for
22 us to be lead on that site.

23 And obviously we were very in tune with our site,
24 and we worked with -- we have been working with Southern
25 Sonoma, our staff in particular working with them over the

1 course of this time. They did tell us -- as you know, we
2 knew one site or two last year that they only needed a
3 degrading permit. And now we knew a few months ago that
4 these other sites can just go with just the grading
5 permit. And fortunately it's worked out and we have the
6 grading permit. And as long as at this late stage our
7 contractors can mobilize, things hopefully will work
8 rather smoothly. So there's not really a concern with
9 respect to those sites anymore.

10 That leaves sites, and as I mentioned before, do
11 have, I believe all three of them, more environmentally
12 complex issues involving red-legged frog species and other
13 environmentally endangered species issues. And in those
14 issues we have been working with them, but we haven't gone
15 to the extent, for instance, of having our CEQA
16 consultant sit down at these meetings with the Southern
17 Sonoma RCD and get a sense of really what are the
18 struggles they're facing.

19 And we do acknowledge and understand that there
20 are specific struggles in this field of getting things
21 done. But our people have now gone through a certain
22 amount of that with this site, and so it seemed like an
23 opportune time to take it a step further and have not only
24 our staff continue its coordination with the lead and the
25 other sites, but to have them along with their consultant

1 get more into the nitty-gritty of the CEQA compliance. It
2 may well be that they're doing everything they can, and
3 we'll just, you know, wish them luck. Maybe that we may
4 have some additional input for them, given our experience.
5 And if so, we'll share them.

6 BOARD MEMBER MULÉ: Okay. Thank you, Steve.

7 BOARD MEMBER WASHINGTON: Madam Chair, just
8 quickly, if I could add as a Board member --

9 CHAIRPERSON MARIN: Sure. Go ahead.

10 BOARD MEMBER WASHINGTON: -- in reference to Ms.
11 Mulé's question. When I first came to the Board there
12 were very strained relationships. And the answer was -- I
13 don't want raise no back history, but just to give you an
14 overview, the relationships were very strained when I
15 first came to this Board in terms of Sonoma, because they
16 had to -- we were going through the process of identifying
17 with legacy tire sites, and we had legislators involved
18 and people were from all over the place.

19 So to be at this point where we are today,
20 they've come a long ways. And staff, Bob and Jim and --
21 we went out with the previous boards and we walked these
22 sites. And some sites the owners wouldn't let us on. And
23 I finally convinced the guy. I don't if it was my charm,
24 my looks, whatever it was --

25 (Laughter.)

1 BOARD MEMBER WASHINGTON: -- I was the only Board
2 member he let on his site, which was like crazy to me,
3 because I'm saying, "What have you guys been doing here?"
4 you know. And so those were some of the history. So
5 that's why to me it's exciting to see that these guys have
6 come this far. And certainly Karen and those guys, I mean
7 I am just totally impressed with the work that she's
8 doing. And Madam Chair has already spoken to that, and I
9 won't go over it again. But that was some of the
10 goings-on that was happening, yeah. So just to let you
11 know how they got to this point.

12 BOARD MEMBER MULÉ: Thank you.

13 CHAIRPERSON MARIN: Well, and it's again your
14 charm and your looks will continue to move us forward.

15 (Laughter.)

16 CHAIRPERSON MARIN: And if we ever need more of
17 that, we'll just call you again, you know.

18 (Laughter.)

19 CHAIRPERSON MARIN: I think to the point of Mr.
20 Mulé, I want everybody here and people that are listening
21 to understand that we are prepared to provide the
22 resources of time and the energy and the direction.

23 BOARD MEMBER WASHINGTON: Absolutely.

24 CHAIRPERSON MARIN: We want the sites clean,
25 period, once and for all. And we will do whatever we need

1 to do to get them cleaned. Whatever the relationships
2 were at any particular time and the strain and all that
3 from a different board, the commitment has been very clear
4 and the direction could not be clearer. We would like to
5 get this done as soon as possible. People are concerned
6 about the environment and the three-legged frog. We are
7 concerned about the -- red-legged frog.

8 (Laughter.)

9 CHAIRPERSON MARIN:

10 DEPUTY DIRECTOR LEE: There aren't any of those
11 out there.

12 BOARD MEMBER WASHINGTON: I am very concerned
13 about the three-legged frog.

14 CHAIRPERSON MARIN: We are very concerned about
15 the three-legged frog, but we are more concerned about the
16 red-legged frog.

17 (Laughter.)

18 CHAIRPERSON MARIN: Okay. No three-legged frog.

19 I think I blushed. Did I blush? I don't -- I
20 usually let everybody else turn red. But we can always
21 have three-legged frog discussion. We don't want any
22 three-legged frog discussions anymore.

23 BOARD MEMBER WASHINGTON: Would a three-legged
24 frog be able to jump -- all right, I won't do that.

25 (Laughter.)

1 CHAIRPERSON MARIN: Oh, lord.

2 Okay. Start all over again.

3 We will do whatever we need to do to get this
4 clean, you know. For people that say that they are
5 concerned about the environment, it would seem like it's
6 an oxymoron to continue to have these tires in those
7 places. So I think that the Board unanimously shares the
8 concern to clean this up as soon as possible. And that
9 will be the direction. That was the direction a year ago.
10 We like to see this go further along and we are prepared,
11 you know. There is no baggage here. We just need to move
12 forward. And so we would like to do that.

13 With that, let me call Mr. Richard Idell from
14 Idell, Berman, Seitel & Rutchik.

15 MR. IDELL: Idell, Berman, Seitel & Rutchik. I'm
16 Richard Idell. I'm representing Universal Portfolio.

17 CHAIRPERSON MARIN: Thank you, sir, for coming.

18 MR. IDELL: Thank you for allowing me to speak
19 this morning.

20 I do have a point of -- a question, because I'm a
21 little confused, about what your procedure is this
22 morning. As I understand, you're going into closed
23 session later, and I understand that this item is on as a
24 discussion item rather than a decision item. So I'm
25 intending to make a presentation to you about cost

1 recovery; is that correct?

2 CHAIRPERSON MARIN: Um-hmm, yes. You -- as a
3 member of the public, you can make any kind of comments or
4 concerns. Because it is a discussion item, we do not make
5 a decision in public right now, because it does require
6 some legal counsel. That's when we're going to be going
7 into closed session.

8 MR. IDELL: Well, the reason I'm asking you this
9 is that -- you know, I know some of you are new to this
10 process. And I mean I know Ms. Gerbosi's here and she's
11 had her site finished, and that's great. But all of us
12 who are involved in this process have been deeply involved
13 in it for many years. And your really energetic staff has
14 met with us on a regular basis ever since the point in
15 time -- and I'll go over the history of this a little bit
16 in my presentation -- but ever since the time that --
17 actually the third contact from the Board in our case we
18 signed an agreement to negotiate with your staff over
19 remediation and cost recovery. And we thought that's what
20 we were doing and have been doing. And we met on a
21 regular basis at every instance that the staff wanted to.
22 There's been -- as you saw the list, there's been dozens
23 of agencies that had to weigh in on these issues.

24 And so it wasn't a simple matter of just going to
25 the PRMD in Sonoma County and getting a grading permit to

1 take these tires up. It's much more complicated than
2 that.

3 The last environmental hurdle was crossed just
4 this past spring. And now it's been an issue of getting
5 contractors to give bids. Your Board's contractor was
6 only out at our site in July. I was there with them when
7 they did their estimate. So we've only found out in the
8 last few weeks, in fact I think just yesterday, what their
9 estimate is. So we have been moving along as fast as we
10 humanly can, at cost, you know, et cetera.

11 So I just wanted to make those comments
12 preliminarily.

13 Now, specifically as to the Universal Portfolio
14 site. I spoke to the Board a few years ago. And so I
15 think only Mr. Washington at that time was on the Board.
16 But Universal Portfolio has only owned this property since
17 1994. And the reason that's very significant is that in
18 1994 when they purchased the property, the property had
19 previously been a dairy that had been owned by some people
20 named Hale.

21 And the Hales disclosed that they had the tires.
22 They didn't have to disclose very far because you could
23 see them. And they said that there were about 70,000
24 tires on the property. And they told us that they had an
25 arrangement worked out with the Sonoma County to remove

1 2500 tires a year. And that was based on, you know,
2 whatever enforcement actions to date Sonoma County had
3 made with regard to tire sites in Sonoma. And I can't
4 tell you what it is because we never received any
5 paperwork on it, we really didn't know what it was about.

6 CHAIRPERSON MARIN: So that's 11 years ago. And
7 they have been removing them 2500 a year?

8 MR. IDELL: You're getting a little bit far ahead
9 of me.

10 We did much better than that.

11 CHAIRPERSON MARIN: Oh, good.

12 MR. IDELL: Yes. We weren't unhappy about seeing
13 them there and we didn't want them there. We have a very
14 beautiful piece of property. It's well manicured. It's
15 very well taken care of. And we care about the
16 environment. So we decided to go in and remove all the
17 tires in 1996, two years later. And we spent a lot of
18 money doing it.

19 In 1996 we removed 30,000 tires, and we thought
20 we were about halfway there. And then in 1997 we took out
21 another 110,000 tires. And then we knew that we had a
22 much bigger issue than we had originally anticipated. And
23 the reason for it is that, just like these other tire
24 sites back in the fifties and the sixties and the
25 seventies, these state agencies and these federal agencies

1 were telling farmers and dairymen for erosion control put
2 tires in the ravines. So that's what we have. We have
3 tires in the ravines.

4 And we just yesterday were told that there's
5 211,000 tires left. So maybe if we had kept going, you
6 know, we would have gotten them all out. But in the
7 meantime, this state law -- that your Board came forward
8 with enforcement, in 1998 contacted us. And by that time
9 we'd already tried to remove 110,000 tires. And you asked
10 us for an action plan. That was the first thing that
11 happened.

12 And we immediately responded within the time
13 allotted -- which I don't remember what the time limit
14 was, but it wasn't a long period of time -- and we came
15 back to you. We went out and hired an engineer and we
16 developed a plan for burying the tires. And that plan was
17 not accepted by your board. And we were told to go back
18 to the drawing board and come up with another plan. So we
19 did that, also at great expense. And that plan was not
20 accepted by your board either.

21 The next thing that happened was that in 1998 --
22 pardon me -- in 2003, five years after your Board first
23 contacted us, you came to us and said, "We're going to
24 issue this abatement order. But we'll sit down and
25 negotiate with you over how to do this, because we

1 understand that this isn't your problem, that you didn't
2 cause this problem, that you've been trying to clean it
3 up." And so we then signed this willingness to negotiate.
4 And since 2003 we've been working diligently to try and
5 get this issue resolved.

6 And I'm proud to say that we have obtained a
7 grading permit and we're ready to do it. And the only
8 issue at this point is how much are we going to pay and
9 how much are you going to pay and what are the
10 considerations that should be made in that effort.

11 And I don't know if you've been given a copy of
12 the letter that I sent to Mr. Levine last Friday. If you
13 haven't seen it, I'm sure he'll provide it to you. But
14 let me go over a couple of issues that are in there.

15 In the '96-'97 period, we spent approximately
16 \$375,000 on various aspects of trying to remove the tires.
17 And that included the tire removal itself and equipment
18 relating to it, disposal fees, reseeding, and that sort of
19 thing. Since then we have spent \$18,000 on various
20 aspects of the process of trying to get this graded permit
21 stage.

22 The RCD, which is the lead agency on our project
23 and on six or seven other projects, has been helping all
24 of these landowners, hiring the same consultants. We did
25 that for cost reasons, to try and keep the costs down,

1 because all of these consultants are very expensive. And
2 so we have paid the RCD, you know, for their services in
3 this regard as well as paying for these consultants.

4 There have been legal fees of \$45,000. There's
5 been internal staff, our people, who have spent days per
6 week on this issue, of \$70,000. We've hired engineers and
7 geotech consultants at a cost of about \$10,000.

8 All totaled we spent \$438,471.77 to date trying
9 to solve this problem.

10 We look forward to spending additional money on
11 the restoration part of this, which we don't have the bid
12 for yet, but we hope to have in the next couple of days.

13 So we understand that you've met in closed
14 session and issued cost recovery settlements with other
15 people. I made a Freedom of Information Act request and
16 received copies of those. I know what the Board's done
17 previously. And we think that our situation is such that
18 we ought to receive at least as favorable a cost recovery
19 settlement as others have received. But actually we think
20 we ought to receive a little bit more because of what
21 we've done to try and solve this problem, which has been
22 throw a lot of money at this and a lot of time and effort.

23 UPL's property is agricultural property. It is
24 a -- it's planted in 86 acres of grapes and 8 acres of
25 olives. There is a working winery on the property, which

1 had produced 8500 cases of wine last year. There are also
2 cattle on the property. It's primarily residences, the
3 winery, and the agricultural operation.

4 These tires were placed, not by UPL, but by
5 previous owners who were in agriculture who were told by
6 the Army Corps of Engineers and the State of California
7 Department of Conservation that this was an appropriate
8 thing to be doing. We bought the land knowing they were
9 there, but thinking there were 70,000 tires there. We
10 took out what we could. But, you know, there were much
11 more in there than we thought.

12 And since the date of removal we've done
13 everything we can to minimize any kind of fire danger.
14 We've put in annual fire breaks to keep the site in a safe
15 condition. And as soon as we were contacted by your
16 Board, as opposed to the county, we acted swiftly and
17 promptly and responded with a plan, which we paid for;
18 responded not once, not twice, but three times we signed
19 the willingness to negotiate, acknowledging it with your
20 Board. And we have regularly attended all meetings.
21 We've paid all bills for consultants. We've done
22 everything we've been asked. We've opened the site up for
23 inspections and have acted absolutely in good faith.

24 This is an agricultural property that employs 40
25 people in the county, who is trying to do what is right to

1 get this cleaned up. There's nothing that anybody can say
2 or point to us to say, "You put those tires there and you
3 sat back and did nothing," because that's just not the
4 case with our property.

5 So we request that -- in your consideration of
6 the negotiated cost recovery that any remaining lien
7 amount to be taken as a lien on the property without
8 interest until the property is sold, there should be a
9 deduction off that lien amount for what we've paid
10 already, the \$438,471.77. And as I said, we feel that are
11 cost recovery percentage should be at least as favorable
12 as others. But we actually feel it should be more
13 favorable because of our due diligence in trying to get
14 this done.

15 And of course if in the event a lien is placed on
16 the property, we request that you agree to subordinate
17 that lien to financing that may be necessary for
18 operations on the land, which I know is something that
19 you've agreed with others. And we also ask that the Board
20 forgo exercising any of its rights to file a superior
21 court action to enforce or to foreclose on the property,
22 which would go hand in hand with having a lien remain on
23 there till the property gets sold.

24 We want to thank your Board -- this Board. We
25 want to thank your staff, who I think has worked really

1 hard to try and get us to this point. And I recognize and
2 everybody recognizes that this has taken a long time.
3 But, you know, it's taken a long time because we live in a
4 complicated world where, you know, the three-legged frog
5 or the two-legged frog with the red stripe, or whatever it
6 is --

7 (Laughter.)

8 MR. IDELL: -- you know, has to be considered.
9 And even though it's a little critter, it took months and
10 months, and it's continuing to take months and months, of
11 study. And it's hard to imagine, you know, how the number
12 of different people that kept showing up at these meetings
13 and the different hats that we saw. And there was just an
14 enormous amount of interest. And I hope that your Board
15 appreciates how much hard work has gone into this from
16 everybody.

17 CHAIRPERSON MARIN: Mr. Idell, let me thank you
18 very much for making a very good presentation about your
19 particular situation. Make no mistake about it, you know,
20 we are very aware, all of us are aware of the difficulties
21 that each individual side faces. There is no -- we are
22 under no illusion that this has been a free ride for
23 people. None of us believe that.

24 But there is this very significant determination
25 from this Board now to get it done, acknowledging that it

1 has been very difficult to get here today. But we're here
2 and we're going to clean these sites. So we will take all
3 of your -- everything that you have requested, we will
4 take it for consideration.

5 I believe -- I don't know that we will make an
6 announcement -- I guess we usually do it through letters.
7 But you will know of our decision. We have all taken
8 copious notes of what your request has been. Our attorney
9 has your letter. And we appreciate the hard work.

10 But we need to get this done, you know.

11 MR. IDELL: No, I understand that. The only
12 thing that's standing in the way of getting it done is
13 making sure that we've got enough time before the rainy
14 season to get it done, which is kind of out of our
15 control, because we're intending to use --

16 CHAIRPERSON MARIN: You don't have control over
17 that?

18 MR. IDELL: No, we don't have control over your
19 contractor.

20 (Laughter.)

21 MR. IDELL: The rain we can handle.

22 (Laughter.)

23 MR. IDELL: That's easier, you know.

24 So what I hear you saying is there's no reason
25 for us to stick around because you're not going to make a

1 decision today?

2 CHAIRPERSON MARIN: Right, right.

3 Well, we would make a decision in closed session.

4 You will know our decision in writing.

5 MR. IDELL: The only other point that I want to
6 make -- and it's one that is -- you know, it's kind of a
7 confusion over this process. But, you know, nothing's
8 perfect, it's not a perfect world. We made this agreement
9 to negotiation with the staff is what it says. That's
10 what we signed, that we'll negotiate with the staff for
11 the remediation and the cost recovery.

12 And so it wasn't until about six or eight months
13 ago, maybe longer than that, that we learned that this
14 process was going to be that you were going to go into
15 closed session and then tell us what your decision is.
16 Which has caught us all a little off guard, and we're not
17 all that happy with that process, because that doesn't
18 sound like a negotiation to us. It sounds like a
19 decision. But that's what you're doing.

20 CHAIRPERSON MARIN: Well, believe me, our staff
21 is probably your best representative.

22 MR. IDELL: All I wanted to say on that is, if
23 you have any questions, whether it's anything that comes
24 to you that you feel you need more information upon --
25 we're interested in getting this done, but we're also

1 interested in making sure that you have more
2 information -- please feel free to call. I don't want you
3 to rush to a decision because there's some piece of
4 information that you don't have that you need.

5 And appreciate your time.

6 CHAIRPERSON MARIN: You should know, even with
7 Ms. Gerbosi there were some questions. And our staff was
8 able to go back and forth. And when Ms. Gerbosi came
9 before the Board, we went into closed session. Some other
10 issues arise and so forth. So it's not -- we will not
11 make a decision in a vacuum.

12 MR. IDELL: Very good. I appreciate that. And
13 you have my letter here.

14 If there's anything else you need in the way of
15 documentation, please let me know.

16 Thank you.

17 CHAIRPERSON MARIN: Thank you. Thank you for
18 your willingness to come before us.

19 Very good. Any further questions regarding this
20 particular item?

21 Okay. Mr. Al Cornwell from CSW, Stuber Stroeck.

22 Before you start, does anybody need a break?

23 Anybody?

24 People need a break.

25 Would you mind taking a break for about ten

1 minutes?

2 MR. CORNWELL: If that helps you listen to me,
3 that's fine.

4 (Laughter.)

5 CHAIRPERSON MARIN: Okay. Thank you so very
6 much. I'm sorry about that.

7 (Thereupon a recess was taken.)

8 CHAIRPERSON MARIN: Is Ms. Peace coming?

9 Call the roll please.

10 BOARD SECRETARY BAKULICH: Mulé?

11 BOARD MEMBER MULÉ: Here.

12 BOARD SECRETARY BAKULICH: Peace?

13 BOARD MEMBER PEACE: Here.

14 BOARD SECRETARY BAKULICH: Washington?

15 BOARD MEMBER WASHINGTON: Here.

16 BOARD SECRETARY BAKULICH: Marin?

17 CHAIRPERSON MARIN: And I'm here.

18 Okay. We're going back. I'd like to call Ms. --

19 we're going to take -- the person that we were going to

20 take is going to come after Leandra.

21 So if I may call upon Leandra Swent from the
22 South Sonoma County RCD.

23 MS. SWENT: Well, good morning. And I appreciate
24 being here. And I'm really glad that I could be here to
25 tell you what I have to tell you.

1 As I said earlier, we do have grade permits for
2 all the sites now. And I really have to thank Sonoma
3 County PRMD. This process right now is taking up to four
4 months. And they issued these permits in less than a
5 week. So they were really valuable in moving this forward
6 for us.

7 So then, as you probably know, those three sites
8 are the Silacci site, Universal Portfolio, and the Wilson
9 Beebe site that we are now representing.

10 The other three sites are on track for next year,
11 we hope. Can't make any promises. We're in consultation
12 with U.S. Fish and Wildlife Service because of endanger
13 species on those properties. And that is a long process,
14 as you probably know.

15 The CEQA process has been completed on all of the
16 sites as far as all of the studies. The initial study
17 check list was completed. For the three sites that have
18 grading permits, obviously the designs are in hand and
19 approved. And those landowners, as indicated by Mr.
20 Idell, are very ready to go forward this summer if
21 possible.

22 Don Silacci and the Wilson Beebe representative
23 will be speaking to you. So I'm going to make this really
24 short and sweet and just say that they really do want to
25 move forward this summer. But of course time constraints

1 are at hand. Mr. Silacci does have a contractor ready and
2 willing to move forward on this project. So he would
3 hopefully be the first one out the gate, so to speak.

4 The issue -- and you may be aware of this -- is
5 whether or not the contractor -- your contractor could get
6 involved with any of the other projects this summer. I
7 spoken with him in the field, and he indicates that he's
8 very backed up and may not be able to do any other sites
9 this summer.

10 So that is a concern for us right now.

11 CHAIRPERSON MARIN: Oh, don't worry. If we have
12 to hire another contractor, we will.

13 BOARD MEMBER WASHINGTON: Yeah, some other
14 contractor. It doesn't matter.

15 MS. SWENT: Okay. Well, certainly Mr. Silacci
16 has a contractor ready to go, who is not the Board's
17 contractor. And I think that Wilson Beebe's
18 representative -- he'll let you know -- but I think he has
19 been talking to your contractor and another contractor.

20 So I don't know if I need to say anything else at
21 this point, but just let them speak to you and --

22 CHAIRPERSON MARIN: Are you representing any of
23 the other remaining sites?

24 MS. SWENT: Yes, we're representing two or three
25 sites.

1 CHAIRPERSON MARIN: Okay. I want to know about
2 those, because -- just decided we're moving on this one.

3 Okay. What's the status on the next ones and
4 when --

5 MS. SWENT: Okay. Those are the ones I just said
6 are -- all need consultation with U.S. Fish and Wildlife
7 Service because of the red-legged frog and other special
8 species. They are -- we've completed the environmental
9 check list for all of those. We've had an environmental
10 consultant on board who's working on those permits right
11 now.

12 CHAIRPERSON MARIN: Okay. Give me your best
13 timeframe, because this can't go on consultation forever.

14 MS. SWENT: Well, we're really hoping that three
15 of them will go next summer. I mean that's our goal, is
16 to have all permits in place by early spring and get them
17 ready to roll next summer. October 15th is the deadline
18 for any construction within Sonoma County. So after that
19 we cannot go back to work until April 15th.

20 CHAIRPERSON MARIN: Okay. What is it that this
21 Board can do prior to October the 15th for those other
22 three sites?

23 MS. SWENT: Prior to October the 15th for those
24 three sites?

25 CHAIRPERSON MARIN: Yes.

1 MS. SWENT: Well, that's a good question. I'm
2 not sure. I would have to think about that, because --
3 you know, if you guys can move the U.S. Fish and Wildlife
4 Service. They really require a federal nexus. They don't
5 want to get involved unless there's another federal agency
6 involved. So Army Corps of Engineers is involved in some
7 of the projects. And we have gotten our partner agency,
8 the Natural Resources Conservation Service, who is a
9 division of USDA, to act as the federal nexus for the
10 other project.

11 CHAIRPERSON MARIN: So the U.S Corps of Engineers
12 is the one that is what --

13 MS. SWENT: No, it's U.S. Fish and Wildlife
14 Service who gets involved whenever there's an endangered
15 species.

16 CHAIRPERSON MARIN: Okay.

17 MS. SWENT: And they will not act on a project
18 unless there is another federal agency involved. It's a
19 long story. But they need what they call a federal nexus.
20 And so usually that is the Army Corps of Engineers. And
21 so the Army Corps of Engineers is involved in two of the
22 projects. The third project does not need a Corps --

23 CHAIRPERSON MARIN: But that -- I don't
24 understand. What does the U.S. Army Corps of Engineers
25 need to do more or better or faster to get the U.S.

1 Wildlife -- approval, is it?

2 MS. SWENT: Well, I think if any of us knew that,
3 it would be great for all the projects that we do. U.S.
4 Fish and Wildlife Service has always been notorious for
5 being very slow in their approvals. And maybe the state
6 could put pressure on them to move forward. I can --

7 CHAIRPERSON MARIN: Does the California State
8 Fish and Game -- can't they be helpful in talking to the
9 U.S. --

10 MS. SWENT: They can. But the endangered species
11 is a federal act.

12 CHAIRPERSON MARIN: I understand. But is there
13 any way? Have we tried to talk to them? Have we
14 consulted with them? Have we pleaded with them?

15 MS. SWENT: Well, we are in consultation right
16 now with them in theory. That means we're having
17 conversations and they have seen the plans and that, you
18 know -- but it's always a long process. They have lots of
19 projects and very little staff.

20 BOARD MEMBER MULÉ: Leandra, I think what Chair
21 Marin might be asking: Is there any way our staff can
22 assist you in moving this process along as a state agency
23 with a federal agency?

24 MS. SWENT: I mean I don't know if there is or
25 not. I can certainly, you know, give your staff the

1 information and they can try. But they -- U.S. Fish and
2 Wildlife Service is just notorious for that slow process.

3 CHAIRPERSON MARIN: Okay. Mr. Lee, is there any
4 way that we can direct a letter? Have we had
5 communications with the U.S. Fish and Wildlife people?

6 DEPUTY DIRECTOR LEE: Madam Chair, I'd like
7 probably to defer that kind of question to my staff. And,
8 again, I would like to try to put this in perspective. I
9 think, as we indicated in our opening remarks, if we're as
10 successful in moving the top five, the three other ones
11 that Ms. Swent just mentioned, plus the Beebe and the
12 Briggs site already have undergone remediation, we
13 probably won't get them addressed, and there's probably a
14 million of the 1.1 or 1.2 million tires that are out
15 there. So this year we've got a good chance of getting
16 the vast majority of them.

17 But there are indeed these endangered species
18 considerations on the remaining sites. I don't think it's
19 going to be practical for us to, you know, be able to
20 intercede with the Fish and Wildlife Service in order to
21 get the approvals before the end of this construction
22 season.

23 And so I think, again, what we will be doing --
24 and I think as we propose it -- is to be much more
25 actively engaged, you know, using the expertise we've

1 gained from being the lead agency on the Beebe family

2 Ranch site to assist the consultants that Leandra --

3 CHAIRPERSON MARIN: So why -- if we were the lead

4 agency, would we have a --

5 DEPUTY DIRECTOR LEE: Even if we took over the

6 lead agency right now I don't think we could bring this

7 matter to a satisfactory completion before the end of this

8 construction season.

9 CHAIRPERSON MARIN: Okay. Well, I don't want to

10 hear this a year from now, you know. I hope -- are we

11 sending this clear message, you know? Is it clear to

12 people? Is it clear to you, Leandra?

13 MS. SWENT: Oh, absolutely. And the land owners,

14 as you know, some of them have been involved for over ten

15 years on this process, and they want it to be done. I

16 mean some of them are eating, sleeping, and drinking this

17 process on a daily basis. And they're not able to rub

18 their ranches. They want to be done with it.

19 CHAIRPERSON MARIN: Because I'm sure the Board

20 members here will agree, if we need to send a letter to

21 the U.S. Fish and Wildlife Service, we will gladly do

22 that, you know, so that next year we're not facing this

23 situation. Let's consider that.

24 Mark, can we consider doing that?

25 MS. SWENT: Well, certainly I think a letter

1 wouldn't hurt. I mean there's --

2 CHAIRPERSON MARIN: Okay. For all the remaining
3 sites, whatever.

4 BOARD MEMBER WASHINGTON: And, Madam Chair, for
5 the interests of what you want to accomplish, even a call
6 to the Administration -- President Bush Administration
7 would probably do more than a letter would at this point.
8 Because if they make the call and they call over -- one
9 thing that Leandra keeps pointing out and I think is very
10 significant is the nexus. And it's very difficult to
11 break through that -- I don't what you call it. But they
12 don't go anywhere beyond -- if they can't find another
13 federal agency to commit with them that it's okay to go,
14 they will not go forward. So we'll take the
15 Administration just because, hey, this is a California
16 project that we support, let's go forward.

17 CHAIRPERSON MARIN: Yeah. But, you know, I even
18 think that we could even get our friends from Cal EPA --
19 I'm sorry -- U.S. EPA Region 9 to help us in this process.

20 BOARD MEMBER WASHINGTON: Yeah, any kind of
21 agency you can get on the phone, yeah.

22 CHAIRPERSON MARIN: Okay. We will do that.

23 You know, the question for me is: What can we do
24 so that -- if we can do something, we are going to leave
25 no stone unturned, you know.

1 MS. SWENT: I want you to know, we have been in
2 contact with federal EPA on this process for years. And
3 they have made statements about it. They've been before
4 your Board, probably before any of you were here. But
5 they -- and we've also asked Lynn Woolsey to intervene --
6 excuse me -- yeah, Lynn Woolsey to intervene. And they've
7 all stepped back and said this is a state issue. So --

8 CHAIRPERSON MARIN: Well, it's a state issue
9 except that we can't move unless they -- wait a minute.

10 We will get clarification and we will send a
11 letter.

12 MS. SWENT: But at this point I -- you know, it
13 hadn't occurred to me before, but I can now ask Lynn
14 Woolsey to intervene on the federal level and see if she
15 will do that. She's working with us a lot.

16 CHAIRPERSON MARIN: We're in contact with her as
17 well. So we will do to that. Congresswoman Lynn Woolsey.

18 Okay. Thank you, Leandra.

19 Okay. Next -- okay, Mr. Al Cornwell.

20 MR. JOHNSON: Excuse me, Madam Chair.

21 CHAIRPERSON MARIN: Yes.

22 MR. JOHNSON: I'd like to make a comment based on
23 Leandra's presentation.

24 CHAIRPERSON MARIN: Sure.

25 MR. JOHNSON: I want the Board -- to go on record

1 and the Board to know that our contractor has the
2 resources to perform the remediation of the three sites,
3 the Silacci, the UP site and the Wilson Beebe site, this
4 year assuming they get the grading permit. Everything's
5 in place. We have the resources to clean up those three
6 sites.

7 CHAIRPERSON MARIN: I am so glad you brought that
8 forth.

9 MR. JOHNSON: Yeah, it came up yesterday when
10 Board Member Peace and Board Member Mulé were at the site.
11 And I commented there that we could do it. And I wanted
12 to make sure it's on the record here today. And you know
13 and Mr. Washington knows --

14 CHAIRPERSON MARIN: I really appreciate you
15 making that clear, yeah.

16 BOARD MEMBER WASHINGTON: So we can.

17 CHAIRPERSON MARIN: So we can. Okay. Perfect.

18 MR. JOHNSON: Thank you.

19 CHAIRPERSON MARIN: No problem.

20 There's no going back then.

21 Thank you so very much.

22 Okay. Mr. Al Cornwell, for the third time.

23 MR. CORNWELL: The third time's the charm.

24 CHAIRPERSON MARIN: Third time's the charm.

25 MR. CORNWELL: My name's Al Cornwell. I'm with

1 the firm of CSW, Stuber Stroeck. We're the civil
2 engineer -- we're the civil engineers. Then we prepared
3 the grading plans for both the Silacci site and the UP
4 site, that we presently have a grading permit waiting to
5 be picked up at the PRMD.

6 The reason I wanted to address you today is I
7 know there's some confusion on -- or not confusion
8 necessarily, but there's some question as far as how many
9 tires should be taken out in some of these sites. The
10 sites on both the UP site and the Silacci site, those
11 tires were put in there strictly for erosion control and
12 to stop head cutting in four individual gullies. And
13 they've been very successful in that over the years,
14 despite the fire hazard that they've created -- or
15 potentially created.

16 And what we would like to make sure that the
17 Board and the staff of the Board takes into account when
18 they go out there and start removing the -- which we
19 expect to do -- remove the top layer of tires that are
20 loose, we would very much like your cooperation and
21 consideration in leaving the tires that are buried and
22 half buried, because those are really stabilizing that
23 whole area. And then we plan to come in with a minimum of
24 four foot of cover of soil. And that we know will
25 stabilize the whole area.

1 So that's -- I want to make this short and sweet,
2 unless you have questions. But we want to make sure that
3 that's clarified with the Board and the staff.

4 CHAIRPERSON MARIN: Mr. Cornwell, let me ask Mr.
5 Fujii or -- in working with our engineer, is what Mr.
6 Cornwell requesting feasible or possible? Who would be
7 the best person to make that determination?

8 STAFF COUNSEL LEVINE: Well, actually this has
9 come up from a legal context, so I can --

10 CHAIRPERSON MARIN: From a legal context. I
11 thought it was from an engineering.

12 STAFF COUNSEL LEVINE: Well, you're absolutely
13 right, it is an engineering process. And we will have Bob
14 Fujii talk in a moment.

15 But Steven Levine from Legal Office.

16 This issue has surfaced, so to speak, at two
17 times during the course of this process. The first
18 juncture was in the fall of 2003, three months after we
19 had our July 2003 item, in talking with Bill Hurley from
20 the Water Board. He had a concern, as I will express it,
21 which is not quite the way he expressed it, with respect
22 to tires embedded into embankments that would have to be
23 sort of ripped out of the embankment.

24 Clearly, with the proper erosion control system
25 put in place on top of those tires, it would be no

1 potential for resurfacing. It's hard to get them out to
2 begin with. And we made a commitment at that juncture
3 with the Water Board that to the extent our engineering
4 experts were going out there into the tire removal
5 process -- so that type of a scenario -- those tires would
6 not be disturbed, those embankments would not be
7 disturbed.

8 Secondarily to that, we have always acknowledged,
9 going back to the July '03 item and before, that arguably
10 for tire piles located in the drainage courses of certain
11 of the properties, the bottom layer of those tires are
12 arguably currently providing erosion control. And that
13 what we have done more recently and made very clear in
14 February of this year is that, for various reasons,
15 working with their engineers and our engineers, that
16 bottom layer if it's properly incorporated into a final
17 erosion-control plan, with no potential for resurfacing,
18 that that would be a potential acceptable solution. But
19 it has to be on a case-by-case basis and a
20 property-by-property basis. And, again, I would defer to
21 Bob Fujii and his engineering people to work with the
22 engineering firms to work out the details.

23 CHAIRPERSON MARIN: Okay, great.

24 Thank you, Steve, for that background.

25 So, Bob, there is no need for you to -- I mean

1 you're just going to restate what he said --

2 TIRE REMEDIATION & ENGINEERING TECHNICAL

3 ASSISTANCE SUPERVISOR FUJII: No, other -- you know,
4 pretty much in a nut shell what we'd be doing, just what
5 Steve says, working with their engineers. We're not
6 interested in compromising the site restoration work
7 that's going to be done by those landowners. I mean to
8 the extent those tires need to be removed to facilitate
9 that, we would work with those property owners to make
10 that happen. We're not interested in going out there to
11 remove tires just to remove tires. It has to be sort of a
12 package deal, so to speak. And we will do -- you know, we
13 work with the property owners, their consultants and their
14 contractors who are out there doing that.

15 CHAIRPERSON MARIN: Okay. Mr. Cornwell?

16 MR. CORNWELL: Yes.

17 CHAIRPERSON MARIN: Is that agreeable, that --

18 MR. CORNWELL: Yeah, that's what -- we just
19 wanted to make sure there wasn't a miscommunication on
20 that, just as you've stated several times. Thank you.

21 CHAIRPERSON MARIN: Okay, perfect.

22 Thank you so very much.

23 Okay. Next person, Bill McCormick from
24 Kleinfelder, Incorporated.

25 MR. MCCORMICK: Thank you. Bill McCormick. I'm

1 a certified engineering geologist and geotechnical manager
2 of Kleinfelder in Santa Rosa. We're a nationwide firm.

3 We were asked to do a geotechnical investigation
4 for the potential covering and burying of these tire sites
5 on the Portfolio site and the Silacci site. We did -- we
6 completed those studies. They have been incorporated into
7 the grading plans.

8 And as Al was talking about, our role was to
9 determine the geotechnical feasibility of actually capping
10 these sites, whether you remove tires or not or whether
11 you remove portions of the tires or not. And we had
12 determined by our analysis that it is a geotechnically
13 feasible project to cover these sites with a minimum of
14 four-foot cover as long as we put a buttress slope at the
15 base to hold the rest of the tires in the site.

16 Let me back up by saying that to date these tires
17 actually have been providing an erosion control service as
18 well as slope stability. These drainages on the Universal
19 site and the Silacci site are within a formation -- a
20 geologic formation that is highly erodible and is also
21 susceptible to land sliding on drainages. These have
22 effectively stopped that type of action out there since
23 the tires have been put in.

24 And so what we did is we analyzed whether by
25 covering it and turning it back into a hillside by burying

1 the tires, would that be feasible. And of course we have
2 determined that has -- that is a feasible, it's logical
3 besides, and it would be the least disturbed type of
4 method in order to actually put these sites back into
5 place.

6 That's it in a nutshell. If you have any
7 geotechnical or engineering questions, I can answer those
8 for you. But I just wanted to show that we have looked at
9 each one of these sites on these two properties and
10 determined that this problem -- the most practical way of
11 handling the problem.

12 CHAIRPERSON MARIN: Okay. Well, I certainly
13 appreciate it. I'm no engineer. We hire you guys to do
14 all the good work.

15 But Bob assures us -- Mr. Fujii assures us that
16 they have been working with you and will continue to work
17 with you to find the best way to remediate that. And as
18 from his comments, I hope you appreciate that they will
19 continue to do that.

20 MR. McCORMICK: Thank you.

21 CHAIRPERSON MARIN: But Thank you for your work,
22 Mr. McCormick.

23 Any comments?

24 Okay. Mr. Jerry Harrington please.

25 MR. HARRINGTON: I can still say good morning.

1 CHAIRPERSON MARIN: Yes. Seven more minutes and
2 that's it.

3 MR. HARRINGTON: My name is Jerry Harrington, and
4 I'm a trustee of the Wilson Beebe Trust the Wilbur Road
5 site. And Mrs. Beebe died several years ago. Mr. Wilson
6 Beebe died two years ago. And this ranch is basically the
7 only significant asset of the estate.

8 I was a family friend for over 50 years. And as
9 such, I am administering the estate for the benefit of
10 their children and their grandchildren. Two of the
11 children have indicated their desire to keep the ranch in
12 the family and to keep it in agriculture.

13 I spent the majority of my time as a trustee
14 addressing the tire remediation and restoration project.
15 We spent tens of thousands of dollars to get to this
16 point. We are ready to move forward ahead -- we're ready
17 to move ahead if the state contractor and their subs are.
18 However, we aren't financially going to be able to do this
19 and the restoration work without cost sharing on the tire
20 removal. I've submitted the cost figures we have so far
21 to Mr. Levine. He has a package.

22 We understand that the remediation work cannot
23 commence until a determination on the cost recovery is
24 made. And since we may be able to start work as early as
25 September 1st, we're asking the Board to give our cost

1 recovery request early review.

2 Thank you very much for hearing me.

3 CHAIRPERSON MARIN: Thank you, Mr. Harrington for
4 coming here today. We really appreciate it. We will go
5 into closed session, and we're going to make the
6 determinations as we have. We appreciate you letting us
7 know some of the specifics to your site. And just like we
8 have done with all the other ones, we look at them site by
9 site on an individual basis.

10 And so we do appreciate you taking the time. We
11 want you to know that we are very committed to cleaning
12 this up ASAP. And you will know our decision via letter
13 from our attorney.

14 MR. HARRINGTON: And we want you to know that
15 we're just as committed as you are to get this problem
16 resolved.

17 CHAIRPERSON MARIN: Yes, thank you sir. Thank
18 you very much for coming.

19 Okay. Last, but not least, Mr. Silacci.

20 MR. SILACCI: Madam Chairman, members of the
21 Board. Don Silacci, Dairyman, Southern Sonoma County tire
22 problem.

23 I've probably been involved in this 13 1/2 years
24 about -- right about this point in time. I don't -- from
25 my first visit to the Board I don't recognize a lot of

1 faces that I saw 13 1/2 years ago.

2 So today I'm speaking because I think I've
3 probably had the authority to do this because I've been
4 involved so long.

5 But a few things I'd like to bring up about my
6 own personal problems with this whole thing and what have
7 you. We have a small dairy according to California
8 standards. It's about a 250-cow dairy. And my son is a
9 25 percent partner in the business.

10 Our small, little dairy provides food for myself,
11 my wife, my son, his wife, two children, employee, his
12 wife, three children and a part-time, a relative of my
13 milker. So we feed 12 people off our small, little
14 operation.

15 We get involved in this tire thing and we put
16 numbers together, and we're probably looking at a total
17 cost of half a million dollars, maybe -- plus or minus.

18 My son wants to take over the dairy in the
19 future. He has a son who hopes that the opportunity is
20 still there 20 years from now. We've just made a big
21 investment in a large barn we're putting up so we can take
22 better care of our cows and add a few more cows on this
23 winter because we know our debt load's going to be
24 increasing quite a bit over the next few months.

25 The permit's in place. I have the contractor

1 hired that will be ready within a week to two weeks to go
2 in there and start removing tires. And I have another
3 contractor who's going to be bringing me in 12 to 16,000
4 yards of certified clean fill to put back in and to cover
5 the tires up. All this will begin in the next 10 to 14
6 days, hopefully.

7 I've submitted all my documentation to Mr.
8 Levine. I believe he got it all last Friday. So we're at
9 the point where we're ready to proceed and seek cost
10 recovery and find out where we're going to stand there.

11 I spent an hour with my banker yesterday running
12 around getting what cost figures we had together and how
13 much I have in it already, which is approximately \$90,000.
14 We have a cost estimate from the contractor for moving a
15 basic number of tires, of removing 75,000 tires and a
16 restoration cost of about a quarter of a million dollars.

17 So at this point we're ready to go. I think we
18 have some numbers that are fairly accurate. But we won't
19 know until we get in there and we do the job and see
20 what's actually in there that has to be removed.

21 So a ballpark figure is pretty much what we have
22 right now, and we feel that it's pretty accurate.

23 So I'm going to do the cost recovery thing and
24 we're going to sit down and do that. And I'm hoping
25 there's some way we can get around not having a lien

1 placed on the property, because I have to use the property
2 as collateral. And I cannot use the property for
3 collateral until I get a letter from the Integrated Waste
4 Board saying that I have met your demands and removed the
5 tires.

6 So I'm kind of sitting on a fine line of I'm
7 going to have all this work done, I'm going to have these
8 bills, but I'm not going to have any money to pay them
9 until I get that letter.

10 So I've let the contractor know where I'm at, and
11 they've agreed to ride with me. So everything is set to
12 go.

13 That's where I sit right now as of today. I want
14 to thank the Board for their cooperation. I want to thank
15 Leandra and Susan for all the time they've put in over the
16 last 13 1/2 years.

17 And I think that's all I have to say for today.
18 Thank you.

19 CHAIRPERSON MARIN: Thank you, Mr. Silacci. It
20 is our hope that we can get to an agreement where we can
21 speed this up ASAP.

22 All right. Anything further on this item?

23 Okay. We will have a full discussion during our
24 closed session. And all of the owners will be contacted
25 through our attorney on our decision to move this forward.

1 Let me ask our Board members. We can do two
2 things. We can do -- right now we can have lunch and go
3 through the closed session or try to move the agenda.

4 BOARD MEMBER WASHINGTON: I'd like to try to move
5 the agenda. We only have what, a couple more?

6 CHAIRPERSON MARIN: We have a few items on fiscal
7 consent. That should go really quickly. Two items on the
8 education. So I don't -- the fiscal consent shouldn't be
9 too long. And then a couple of items.

10 So everybody wants to continue to push forward?

11 All right. Let's do that then.

12 Thank you, Mr. Lee, for your presentation.

13 There is -- I will make it very brief. The next
14 item would have been -- would be Sustainability and Market
15 Development Committee.

16 We have had a great, great meeting. We spent a
17 lot of time, hours upon hours, on that.

18 And, Patty, why don't you just walk us through
19 your items. We have just a couple of fiscal consent
20 items.

21 DEPUTY DIRECTOR WOHL: That's correct, Madam
22 Chair.

23 Patty Wohl of the Waste Prevention and Market
24 Development Division. I have two items, both of which
25 received fiscal consent. And I'll be presenting them

1 myself.

2 Starting with Agenda Item 25, consideration of
3 the Recycling Market Development Revolving Loan Program
4 application for Desert Solutions, Inc.

5 This is a request for a loan in the amount of
6 \$1,312,500 to open an organic recycling and composting
7 facility. Desert Solutions, Inc., will hire eight to ten
8 employees and anticipates diverting 45,000 tons of green
9 waste per year.

10 Staff recommends that the Board approve Option 1
11 and adopt Resolution 2005-220.

12 CHAIRPERSON MARIN: Okay. We had a very big
13 discussion on this item. So do I hear a motion?

14 BOARD MEMBER WASHINGTON: Madam Chair, I'd like
15 to move adoption of Resolution of 2005-220.

16 BOARD MEMBER PEACE: Second.

17 CHAIRPERSON MARIN: Moved and seconded.

18 Call the roll please.

19 BOARD SECRETARY BAKULICH: Mulé?

20 BOARD MEMBER MULÉ: Aye.

21 BOARD SECRETARY BAKULICH: Peace?

22 BOARD MEMBER PEACE: Aye.

23 BOARD SECRETARY BAKULICH: Washington?

24 BOARD MEMBER WASHINGTON: Aye.

25 BOARD SECRETARY BAKULICH: Marin?

1 CHAIRPERSON MARIN: Aye.

2 Okay. Item 26.

3 DEPUTY DIRECTOR WOHL: Item 26 is consideration
4 of a proposal regarding the annual Recycled Product Trade
5 Show. This is a proposal brought forward by staff to look
6 at partnering with Ag Expo and REXPO next year, which is
7 held in the -- at the Stockton Fairgrounds. We would be
8 partnering with the Stockton Chamber of Commerce.

9 And it looked like a possible good partnership
10 and marriage for the two. What we would do is not do the
11 trade show as anticipated in April, but attach ourselves
12 to their trade show.

13 The Ag Expo's been in existence 30 years. Last
14 year all that it was holding that just did recycled
15 content products, which was the REXPO. So what we're
16 hoping to do is kind of give them a jump start, add some
17 of our exhibitors to that, get improved traffic. They
18 have about 5,000 people going through. And maybe make
19 some partnerships on the farm side with the use re-refined
20 oil, composting mulch, you know, tires, whatever we can
21 think of to get that partnership going.

22 They're willing to entertain any number of booths
23 we want, allow 50 staff to participate as we see fit.
24 They've agreed to green the event, so we would help use
25 any of our resources to help them green the fairgrounds

1 and this particular event.

2 We talked about -- we have a contract in
3 existence for a hundred thousand dollars from last year's
4 funds for CSUS. So we're proposing giving up the \$175,000
5 that we would get this year, using last year's money to do
6 the partnership, to help do some transition in
7 publications, to green the hotels in that area, to green
8 the fairgrounds. If there's any refunds that need to be
9 given because some people signed up, and just some general
10 kind of administrative tasks associated with that.

11 So with that, staff recommends the Board adopt
12 and approve Option 1 and adopt resolution 2005-235.

13 If you have any questions, I'd be happy to
14 answer them.

15 CHAIRPERSON MARIN: Ms. Peace.

16 BOARD MEMBER PEACE: Yes, I have one.

17 Did staff contact any of our like past exhibitors
18 to see what they thought?

19 DEPUTY DIRECTOR WOHL: We did not do that prior
20 the Committee. I think I said now we were kind of waiting
21 for it. We've heard from a few just because we're
22 starting to make those contacts. I think one in
23 particular was a bit disappointed, felt like this trade
24 show was, you know, very popular. But he'd also been at
25 CRRA and is willing to do this in Stockton and give it a

1 shot. So there's only been a few contacts so far.

2 BOARD MEMBER PEACE: So this is just a one-time
3 thing at this point, and then we'll do an evaluation at
4 the end and then go from there?

5 DEPUTY DIRECTOR WOHL: Right. And then we would
6 bring back any concepts next year sort of like you're
7 going to hear later today and in September. If we wanted
8 to do something in the south or this worked out and we
9 wanted to do north and south, we can bring a proposal
10 forward for that.

11 BOARD MEMBER WASHINGTON: Madam Chair, I'd like
12 to move adoption of Resolution 2005-235.

13 BOARD MEMBER PEACE: Second.

14 CHAIRPERSON MARIN: Moved and seconded.
15 Call the roll please.

16 BOARD SECRETARY BAKULICH: Mulé?

17 BOARD MEMBER MULÉ: Aye.

18 BOARD SECRETARY BAKULICH: Peace?

19 BOARD MEMBER PEACE: Aye.

20 BOARD SECRETARY BAKULICH: Washington?

21 BOARD MEMBER WASHINGTON: Aye.

22 BOARD SECRETARY BAKULICH: Marin?

23 CHAIRPERSON MARIN: Aye.

24 Okay. Item 28.

25 BOARD ADVISOR BRUCE: Madam Chair and Board

1 members. Bonnie Bruce, working as an advisor on the
2 education and environment initiative.

3 Before I begin Item 28 I would like introduce
4 Andrea Lewis from Cal EPA who is the co-manager on this
5 project. Andrea, we wished you a happy birthday too
6 earlier. And also to Leslie Mintz, who is here from Heal
7 the Bay, as she was a co-sponsor this bill and she will be
8 speaking to the item when we finish.

9 BOARD MEMBER WASHINGTON: And she's a great
10 presenter too, Bonnie. I was in her workshop and she did
11 a presentation. She was good.

12 BOARD ADVISOR BRUCE: As you know, I'm here today
13 to present to you the scope of work for approval to hire
14 an external consultant to help guide Phase 4 of the
15 education and environment initiative.

16 I think what's important to recognize here is
17 that this EEI, as we refer to it, is unprecedented in that
18 there is no model in existence. We have been to the
19 Department of Education. And the two model curriculums
20 that were developed, one on the Cesar Chavez curriculum,
21 the other on the human rights curriculum, do not provide a
22 model for a magnitude of this type.

23 In fact, just recently at the Supplemental and
24 Curriculum Commission, Dr. Charles Munger, who is our
25 liaison to that commission and one which we're going to

1 have to go before, when asked a question about one of the
2 proposals that he was putting forward, he said to his
3 fellow board members -- he said, "This is new. There is
4 no model. We're just filling in along as we go."

5 And I think that sort of encompasses what we've
6 been doing as we have been working the last year and a
7 half, because we have found that it is so multifaceted and
8 so very complex in the work that we are trying to perform.
9 And so we firmly believe that we will become a national
10 model as well as a state model. When you realize that
11 this state does encompass, as you know, 1,053 plus school
12 districts and county offices of education, touches over 6
13 million students, we know that we are embarking on a
14 project that is huge.

15 The monies that we are looking to allocate in
16 both this item and in Item 29 are such that we feel that
17 we need someone of a professional stature, that would not
18 only have the ability to guide us, but that would bring us
19 that type of prominence.

20 For approval along our state lines, first of all,
21 we have to get this through the State Board of Education.
22 No easy task.

23 And the other piece that gets lost in the shuffle
24 so often is that many of us are very proud of some of the
25 work that we've done and we've written things that would

1 be considered by the state board supplemental: "Oh,
2 that's pretty good" and "that's an add-on." In this day
3 and age in education, there is not any time for
4 supplemental materials. We're not talking about, oh, a
5 week in April where they're going to do an environmental
6 education week. We're talking about integrating something
7 throughout the year across all lines of curriculum and
8 K-12. Unprecedented, as I've said before.

9 So as you noticed that when I indicated to you as
10 part of the agenda item that we do need someone that not
11 only has appropriate credential -- that's just one piece
12 of it. But the other piece is that they have worked with
13 national recognition in other states, that they have the
14 ability to show us that they have done research and that
15 they have been published with the research that they have
16 done, and that they have connections into the scientific
17 and educational communities that they're so involved.

18 We also have to interface with many of our sister
19 agencies. As you know, we've been hard at work at
20 creating those bridges, creating those partnerships.
21 Many -- all of you have attended our partnership meetings.

22 And so we are excited about the types of tasks
23 that we are asking a consultant to do. It is primarily in
24 the direction and in the consultation mode of developing
25 and helping to help the writers into connecting the

1 principles and the concepts to the standards of California
2 and teaching those to mastery. We start with our history,
3 science, social science, in K-12. Along with that as we
4 phase this in we have to do our pilot assessment. We also
5 have to go out and field test. Field test comes before
6 pilot. We're talking about working with 250 teachers in
7 both of those phases.

8 So that as we start one and we begin the field
9 testing, we begin the next grade level. Then we begin the
10 pilot, and we move into the next grade level. Those grade
11 levels were chosen based on a survey that was sent out to
12 10,000 teachers statewide indicating where do we have the
13 closest matches is where we're going to have the best
14 success to begin with. And so that is why we are starting
15 with our 4, 6.

16 And so with that, I would ask -- I know many of
17 you have questions. I know Leslie would like to speak.

18 But I would ask that you look at the agenda item.
19 We recommend that you adopt Option 1 and approve
20 Resolution No. 2005-233 revised.

21 CHAIRPERSON MARIN: Thank you, Bonnie.

22 Let me do this, because -- I'm going to have
23 Leslie come in and speak her piece. We do have a couple
24 of questions, because we did receive a letter, and we just
25 wanted to make sure that we've crossed our t's and dotted

1 our i's or dotted our i's and crossed our t's, however.

2 BOARD MEMBER WASHINGTON: Two i's over the one i.

3 CHAIRPERSON MARIN: Yeah, we need to put two dots
4 over one eye to make sure and two crosses on the t's
5 somehow.

6 So if I can do that, and then we'll have the
7 questions and then we'll move this item.

8 Okay. If I may ask Ms. Leslie Mintz from Heal
9 the Bay.

10 Thank you for coming.

11 MS. MINTZ: Oh, thank you for allowing me to come
12 I really came just to have the opportunity to thank you.
13 I've met some of you individually. My organization, Heal
14 the Bay, was the co-sponsor for the bill originally. And
15 we've been working with your Board and some of your Board
16 members now for two years?

17 BOARD ADVISOR BRUCE: -- two years.

18 MS. MINTZ: -- two years. But I've never
19 actually formally been able to address the Board. And we
20 wanted to represent to you that the environmental
21 community recognizes what incredible champions you guys
22 have been in this area and what leaders you've been.
23 Because, honestly, without the Integrated Waste Management
24 Board stepping up to the plate and providing the resources
25 and providing the staffing and the Office of Education and

1 the Environment, we would not have gotten to an actual
2 implementation plan, which Bonnie and Andrea from Cal EPA
3 have put together, which we think is fantastic. And we
4 look forward to working with you guys to help you and your
5 Office of Education and the Environment more fully
6 implement this. We would like to be able to leverage
7 funding in the private community to match the funds that
8 you and the state have put forward.

9 Just last night, for example, I was speaking with
10 the director of the California Science Museum, who is
11 doing a whole thing on ecology. And I told him, "Well, I
12 hope you're mindful of what the Integrated Waste
13 Management Board is doing right now and what the state is
14 doing. And perhaps we should have a conversation about
15 making sure that there's an exhibit in your museum to that
16 effect," or something. I mean -- so those are the kinds
17 of things that we want to help promote you guys and
18 promote the work you're doing and make sure that this
19 actually comes to pass.

20 So I really came just to say thank you. And I
21 know you have issues with authorizing, you know, the
22 funds. I hope you see your way clear to supporting both
23 Agenda Items 28 and 29. And I appreciate on behalf of the
24 environmental community everything that you have done so
25 far.

1 Thank you.

2 CHAIRPERSON MARIN: Okay. Thank you. Thank you,
3 Ms. Mintz for coming. And we appreciate your -- I know
4 that you are very supportive of this effort.

5 You guys created it, so you better be supportive
6 of it.

7 Okay. Let me just deal with the people that have
8 some concerns. I'm sure my colleagues received the letter
9 from the California Association of Professional
10 Scientists.

11 Have you got a copy of that?

12 I just want for the record, Bonnie, if you
13 could -- I have three specific questions, and I want you
14 to address them, because when we make a determination to
15 go forward with this, we need the justification. And
16 as -- it suggests here that we may not have it.

17 So one item here says from the materials
18 presented to the Board on Section F it does not appear
19 that a proper analysis/justification has been completed,
20 and that the Board materials do not indicate which
21 subdivision of Government Code Section 13-130B.

22 Have we done that or are we prepared to do that?
23 I'm sure you've met with our Legal staff.

24 BOARD ADVISOR BRUCE: I did meet with Legal. And
25 I don't if Holly wants to speak to that.

1 Did you want to speak to that, Holly? And then
2 I'll make some other comments as well.

3 STAFF COUNSEL ARMSTRONG: Holly Armstrong from
4 the Legal Office.

5 There are two subdivisions of Section 19130 under
6 which we feel that there's justification for this
7 contract. Section 19130 basically precludes us from
8 contracting outside if there is a civil servant who can do
9 the same work. Section 19130(e)(3), which provides -- it
10 says that the services contracted for are not available
11 within civil service, cannot be performed satisfactorily
12 by civil service employees or are of such a highly
13 specialized and technical nature that the necessary expert
14 knowledge, experience, and ability are not available
15 through the civil service system.

16 And in our discussions with Bonnie and Andrea, it
17 has become apparent that the consultant that they need for
18 this work needs very highly specialized and technical
19 skills that simply are not available within the civil
20 service system. As Bonnie said, even the Department of
21 Education hires outside consultants with specialized
22 skills to draft curricula.

23 So -- and that's what we --

24 CHAIRPERSON MARIN: You know, I often times talk
25 about we may have people in our staff that have certain

1 qualifications. But just because I'm a doctor, it doesn't
2 mean that I'm a neurosurgeon. And so we may have the
3 staff members who have a credential or have achieved
4 certain knowledge and have certain experience, but they're
5 not -- they've achieved -- they have an M.D., but they're
6 not neurosurgeons. And so is this part of that?

7 STAFF COUNSEL ARMSTRONG: Exactly. It's in no
8 way a reflection that our staff is not highly skilled and
9 qualified. It's just they're not skilled in the
10 specialized areas that this consultant needs to be able to
11 do.

12 CHAIRPERSON MARIN: So you're pretty satisfied
13 that we could -- that we will be meeting the law --

14 STAFF COUNSEL ARMSTRONG: Yes.

15 CHAIRPERSON MARIN: -- both the spirit and the
16 letter of the law?

17 STAFF COUNSEL ARMSTRONG: Yes.

18 CHAIRPERSON MARIN: We will comply?

19 STAFF COUNSEL ARMSTRONG: Yes.

20 And then Subdivision B9, the contractor will
21 conduct training courses for which appropriate qualified
22 civil service instructors are not available, providing the
23 permanent instructor position in the academies or similar
24 settings will be filled through civil service appointment.

25 Our staff has done training, which they point out

1 in their letter. And it will be our staff's job to once
2 the curriculum is completed to train the teachers and
3 educators within the state how to implement the
4 curriculum. And that's where our staff is very well
5 trained and they're very highly skilled in doing that and
6 in communicating that.

7 But the consultant that Bonnie is looking for for
8 this particular contract needs to be able to train someone
9 about the State of California education content and
10 standards -- academic content and standards. Is that what
11 they're called?

12 BOARD ADVISOR BRUCE: They're called academic
13 standards.

14 STAFF COUNSEL ARMSTRONG: Okay. I added an extra
15 word. And which are very complex and very detailed. And
16 just because a credentialed teacher may be familiar with
17 the academic standards in one area, they may not have the
18 big picture that this consultant needs to have in all the
19 areas so that the environmental aspect can be fully
20 integrated and so that the teachers in all of these areas,
21 K through 12, not just middle school, not just elementary
22 school, not just senior high school, that they'll be able
23 to utilize them and be fully integrated into their
24 systems.

25 CHAIRPERSON MARIN: Okay. It says here that the

1 proposed scope -- it still appears that it will lead to
2 the selection of a consultant that will be the primary
3 lead for the project.

4 It seems like they have some objection to that.

5 I don't understand that to be the case. We have
6 co-managers.

7 BOARD ADVISOR BRUCE: We do. We have
8 co-managers.

9 CHAIRPERSON MARIN: In my book, those are the
10 leaders, correct?

11 BOARD ADVISOR BRUCE: That's absolutely correct.

12 CHAIRPERSON MARIN: All right. The next one is:
13 The scope of work as proposed calls for the consultant to
14 design and conduct working sessions, to guide writing
15 teams and to design and conduct training sessions for
16 editors and graphic designers. This work can be
17 performed -- has been performed successfully by IWMB
18 staff. The staff, which includes several credentialed
19 teachers, has designed and conducted training the
20 professional groups, including teachers and demographic
21 designers.

22 I may be reading it wrong. So -- yeah, they'll
23 continue to do that.

24 BOARD ADVISOR BRUCE: That's correct. I don't
25 think there's any question as to the qualifications and

1 the talent of the staff. And we think they are very
2 qualified. I've had the opportunity to be out in the
3 field and observe them giving workshops.

4 But I think that what we're talking about is the
5 stuff that comes after the actual development of the
6 curriculum. And I think we're all going to be at the
7 table to become experts, so to speak.

8 The goal here is so that we don't have to have a
9 consultant continue on. The goal here is that our staff
10 does become those that take this into the future and
11 forever. So that is the intent of what these next two
12 years -- the intensity of the next two years is great in
13 moving us to that point where our staff actually totally
14 takes over.

15 CHAIRPERSON MARIN: Okay. So from your
16 responses, I am pretty satisfied that we can legally --
17 you know, we are meeting the letter of the law; we have
18 gone in and searched, and we do not have the level of
19 expertise that is needed inside. It would be -- if we had
20 it inside, we wouldn't be going out for that scope.

21 BOARD ADVISOR BRUCE: That's absolutely correct.
22 You know, I shared my own experience. I personally feel
23 like I've come pretty highly qualified and that I have a
24 Bachelor of Science in Education, a Master of Science in
25 Education. I'm sure the dissertation with a Doctorate in

1 Education. And published in my own area of expertise.
2 But yet do not -- would not feel qualified to guide this
3 to the level that it needs to be guided. I feel very
4 comfortable in the roll that I've served as co-manager.
5 But I think that there is that next piece that is critical
6 to what we are trying to accomplish in taking what has
7 already been designed, and you've approved the principles
8 and concepts, connecting them through the curriculum, K-12
9 and across all levels, and taking those to mastery. That
10 is a unique individual.

11 CHAIRPERSON MARIN: And last, but not least,
12 what -- if I recall correctly, at the very, very beginning
13 one of the issues that had been raised was whether this
14 particular contract in the scope and the way that it was
15 being designed was to favor one particular individual.
16 And I think this Board has made it very clear that we
17 would never, ever, ever do that. And as a matter fact,
18 the revision that took place, no one could ever suggest
19 that this -- that a scope of work has been written to
20 benefit one particular individual.

21 BOARD ADVISOR BRUCE: That is absolutely correct,
22 Chair Marin. I think to even ease that concern, if at all
23 possible, is that the Board has a very tight process as to
24 how someone is chosen through an RFP. And there are
25 criteria, there are reviewers. We've talked about doing a

1 blind review so that nobody even knows the names of those
2 people that are applying. It is done through a very close
3 grid. I've not served on one of those panels, but I
4 understand from those who have that it's very tight as to
5 how that is reviewed.

6 And so it would be my hope, my sensitivity to the
7 issues that are raised -- we took your direction very
8 carefully, we did sit down, we did not obviously come to
9 total resolution. I think the letter that you have
10 indicates that we did reach some resolution, and that that
11 one issue we tried to tighten up as tightly as we could by
12 adding pieces in the beginning of the agenda to show
13 exactly how broad we are looking for in terms of those
14 individuals.

15 We were able to share with the representative of
16 the CAPS group, we did share with them all of the ways
17 that we plan to go out, where we plan to go in terms of
18 taking this RFP forward. And I think, in my mind, at
19 least from their standpoint that was satisfying.

20 CHAIRPERSON MARIN: You know, Bonnie, I believe
21 very strongly that when the Board speaks, you know, the
22 staff follows. And I think that we've made it very clear
23 that we will not -- this is not designed for one
24 individual. We will vastly advertise. We want many
25 people from all kinds of different walks of life to come

1 in and bid for this. This is very important. And the
2 last thing that we would need is for this process in any
3 way, shape or form be presumed or perceived as somewhere,
4 somehow for one individual, that this is catering to one
5 individual. That would be the farthest from the truth.
6 And I want Mark to ensure that this is widely advertised,
7 welcoming proposals from different consultants.

8 I want this effort to be genuine. You know, this
9 is not in any way, shape or form suggesting that we don't
10 value the staff that we currently have. We do. I do.
11 Everybody that has worked on this process is highly
12 embraced, and we're grateful. But there comes a time
13 where we have to say we don't have this particular and for
14 that particular item we have to go outside. And it seems
15 to me that we have come to that conclusion.

16 But make sure, Mark -- I can not emphasize that
17 enough -- we want this process to be as clean, as clear as
18 possible and that it's a widely distributed proposal --
19 the proposal that goes out.

20 EXECUTIVE DIRECTOR LEARY: We absolutely will,
21 Madam Chair. In fact, we bring the same level of
22 integrity and professionalism that we do all our
23 contracting selections. But in particular a great
24 emphasis will be placed on this because of the sensitivity
25 that's been raised. And I think it speaks to the value of

1 the Board process when, you know, concerns are raised like
2 this, it causes us all just to elevate it in priority and
3 pay special attention. And I think as a result through
4 some of this process we've created a better product.

5 BOARD ADVISOR BRUCE: Yeah, we have created a
6 better product. And I thought as you were speaking, I
7 think what might offer some comfort too is that the
8 Board -- the staff of OEE are actually working on this
9 list where we're going to go. And I think we should -- we
10 will supply that to all of you so you can see just how far
11 we are searching.

12 CHAIRPERSON MARIN: Excellent.

13 BOARD ADVISOR BRUCE: Okay. So we'll make that
14 list available to you.

15 CHAIRPERSON MARIN: Okay. Any further questions?

16 BOARD MEMBER WASHINGTON: Yeah. Madam Chair,
17 also if -- I talked to counsel, Ms. Armstrong, about item
18 ending resolution, the final "now, therefore be it
19 resolved." And if she would come and just explain,
20 because I've got about two or three anonymous letters
21 E-mailed -- FAX'd and E-mailed to me that is -- it
22 represents that the executive director will be making
23 these decisions, the executive director is going to have
24 the total say over this. And so I just want her to put it
25 on record as to what this means.

1 STAFF COUNSEL ARMSTRONG: That the final "now,
2 therefore be it resolved" simply delegates to the
3 executive director the authority to approve necessary
4 changes to the scope of work, if there are further
5 negotiations with the union to resolve any other issues
6 and there are revisions to the scope of work to
7 accommodate -- to accommodate those changes, and to
8 approve the contractor -- not to chose the contractor.
9 That will be done through the competitive process -- but
10 to approve the contractor, which just speeds up the
11 process.

12 Ordinarily what would happen would be we would
13 come back before the Board again with another agenda item
14 and the Board would approve the contractor. But because
15 of the timing and the timeframe, we were asking the Board
16 to delegate the authority to approve the contractor and to
17 execute the necessary documents to complete the contract
18 to the executive director.

19 BOARD MEMBER WASHINGTON: You when you say
20 timing, you're saying for it to come back for the Board to
21 approve.

22 Here's my concern. Let me just share it with
23 you. I don't want anything out of all the work that
24 Bonnie and those -- and Ms. Lewis have done and the staff
25 have worked on this, I don't want any issues raised in

1 terms of down the road where somebody can, you know, start
2 mayhem with this project. And I'm going to tell you
3 something. It will happen.

4 And if we're not unequivocally clear as to what
5 we're doing, someone will come along, whether it's an
6 organization, whether it's CAPS or anyone else, they will
7 come down the road, they will catch you guys over at the
8 State Department of Ed, the Office of Education or
9 somewhere where they'll raise mayhem and cause all sorts
10 of confusion for you.

11 And so I want to make sure it's unequivocally
12 clear that this Board is making a final determination.
13 And we're only saying that we're delegating that authority
14 to Mark to -- to our executive director to pick this
15 contractor.

16 STAFF COUNSEL ARMSTRONG: Not just pick the
17 contractor.

18 BOARD MEMBER WASHINGTON: Not -- just to --

19 STAFF COUNSEL ARMSTRONG: Just to approve the
20 regular competitive process.

21 And the reason is because the contract with the
22 prior consultant ended on June 30th. So there's been no
23 work going forward since June 30th. And right now the
24 project is at a standstill. And so in order to
25 facilitate -- and has the bill been passed or signed?

1 BOARD ADVISOR BRUCE: It's pending passage, Bill
2 1721, which we're told could happen any day.

3 BOARD MEMBER WASHINGTON: Right. And so why
4 didn't we have an item when that happened to come before
5 the Board to approve a new contract. Am I asking -- I
6 mean am I making --

7 CHAIRPERSON MARIN: We couldn't, because the bill
8 that authorizes the expenditure of money --

9 BOARD MEMBER WASHINGTON: Oh, the expenditure.
10 Okay. All right. That makes sense.

11 STAFF COUNSEL ARMSTRONG: What we've done is
12 we've brought the agenda item so that as soon as the bill
13 passes we can move forward and move as quickly as possible
14 to get the project moving forward again.

15 BOARD MEMBER WASHINGTON: And so, for those who
16 are listening out there, what you're saying is the Board
17 to circumvent any time being spent on putting an agenda
18 item on the agenda and things of that nature, the
19 executive director is --

20 STAFF COUNSEL ARMSTRONG: Exactly, because it
21 would take, after -- when the RFP goes out it's on the
22 street for a minimum of six weeks to allow sufficient time
23 for people to prepare proposals and get them in. And then
24 there's an evaluation period before the award is posted.
25 It has to be posted for five days to allow for a time for

1 any protests before the award can actually be made. And
2 then an agenda item would have to be prepared and notice
3 given. And it just adds another two months or so before
4 the project could actually be going forward again if we
5 would have to bring another agenda item before you.

6 But without -- with this delegation -- which is
7 within your authority to do and it's something that we do
8 with every reallocation and with the IWMA reallocation.
9 This is not out of the ordinary.

10 BOARD MEMBER WASHINGTON: Yeah. And I think that
11 this is one where I believe our executive director can
12 make it clear, you know, there will be a fair process in
13 doing so. I just want those folks who are out there
14 listening to understand that this is not some fly-by
15 situation of the executive director making -- it's a done
16 deal, no one has to know what's going. And I just wanted
17 you to reiterate the process so people would know what the
18 processes are. Even though they still might disagree with
19 it, but I just wanted them to know, because we did receive
20 those E-mails.

21 STAFF COUNSEL ARMSTRONG: Yeah. No, it will go
22 through the regular competitive bidding process dictated
23 by the Department of General Services and the state.

24 CHAIRPERSON MARIN: You know, I think that -- I
25 want to say something. I really appreciated Mr.

1 Washington's comments, because this item's so important to
2 this Board, that we want to make sure that we cross the
3 t's and dot our i's. You know, he was the Chair of the
4 Education Committee. He has been championing this effort
5 even when Ms. Moulton-Patterson was here. You know, this
6 item is so crucial to the Board, that we want to make sure
7 that nothing -- I mean this is the baby. We've been given
8 birth to this baby. I can appreciate why he's so
9 concerned that we do everything on the right side to move
10 forward.

11 Any comments?

12 Ms. Peace.

13 BOARD MEMBER PEACE: Oh, just a couple.

14 It sounds like with the revisions that were made
15 to the scope of work that, you know, the OEE will be
16 working very closely with the contractor. It specifically
17 says that the contractor will consult, the OEE will work
18 in concert with, will assist, will work with.

19 So I think they're going to have plenty of work
20 on their plate, things to do.

21 But, you know, a project of this magnitude does
22 need to have a lead consultant with a high level of
23 expertise and credibility. And they need the credibility
24 within the educational community.

25 CHAIRPERSON MARIN: Exactly.

1 BOARD MEMBER PEACE: In terms of crossing t's and
2 dotting i's, where it does say in the item that there was
3 any opposition, do we -- is it entered in somehow to show
4 that, you know, we did have this -- or does it need to be
5 shown that we did have this letter?

6 CHAIRPERSON MARIN: It becomes part of the
7 record.

8 CHIEF COUNSEL CARTER: It does, yes.

9 BOARD MEMBER PEACE: The item does --

10 CHIEF COUNSEL CARTER: Part of the meeting
11 transcript will incorporate the letter and also the
12 style -- will address those issues.

13 CHAIRPERSON MARIN: Okay. Any -- Ms. Mulé.

14 BOARD MEMBER MULÉ: Madam Chair, I just have a
15 questions.

16 First of all, I just want to say I agree with
17 everything all the other Board members -- I had some of
18 the very same questions that you did. So thank you for
19 asking them and thank you for answering them.

20 I would like though for us to respond to Mr.
21 James' letter in writing, if we could, just so that we
22 have it on the record that "the following government
23 codes" -- you know, we did address those. And then so
24 again he put something in writing, that I just think it's
25 appropriate that we respond in writing to him on that.

1 CHAIRPERSON MARIN: You mean you want to draft a
2 letter?

3 BOARD MEMBER MULÉ: Yeah, I think that it would
4 be appropriate to do so.

5 With that, I would like to move Resolution
6 2005-233 revised.

7 BOARD MEMBER PEACE: Second.

8 BOARD MEMBER WASHINGTON: Third.

9 CHAIRPERSON MARIN: Fourth.
10 Call the roll please.

11 BOARD SECRETARY BAKULICH: Mulé?

12 BOARD MEMBER MULÉ: Aye.

13 BOARD SECRETARY BAKULICH: Peace?

14 BOARD MEMBER PEACE: Aye.

15 BOARD SECRETARY BAKULICH: Washington?

16 BOARD MEMBER WASHINGTON: Aye.

17 BOARD SECRETARY BAKULICH: Marin?

18 CHAIRPERSON MARIN: Aye.

19 Okay.

20 BOARD ADVISOR BRUCE: You know, we have on fiscal
21 consent Board Agenda Item No. 29. This is actually where
22 we are going to go out for writers. We're looking up to
23 30 writers at \$75,000 each.

24 BOARD MEMBER WASHINGTON: Madam Chair?

25 I'd like to move adoption of Resolution 2005-234.

1 BOARD MEMBER PEACE: Just a minute. I mean I did
2 talk to Tom Estes.

3 BOARD MEMBER WASHINGTON: Oh, I'm sorry.

4 BOARD MEMBER PEACE: In the resolution where it
5 does -- it does say the allocation for the education and
6 the environment initiative writing teams for Fiscal Year
7 '05-'06, '06-'07. I believe all the money is coming from
8 '05-'06. So the resolution probably really shouldn't say
9 '06-'07, from what I understand, because all the money's
10 coming from '05-'06.

11 BOARD ADVISOR BRUCE: I'd have to refer to Tom on
12 that.

13 CHAIRPERSON MARIN: Well, it's just a two-year
14 allocation, isn't it?

15 BOARD MEMBER PEACE: But not for this particular
16 part.

17 BOARD ADVISOR BRUCE: I think that our concern
18 was that if we did not get everyone on board by -- because
19 of the fiscal nature, fiscal year by June 30th this year,
20 we would go into 2006-2007's budget. Now if that has to
21 reflect that differently, I'd have to refer to Tom on
22 that.

23 BOARD MEMBER PEACE: Yeah, I guess is was my
24 understanding that all of the funds that we're talking
25 about in here were of '05-'06 funds. But maybe I'm not

1 looking at this right. I just wanted to make sure it's
2 all fixed in crossing the t's and dotting the i's.

3 DEPUTY DIRECTOR ESTES: Tom Estes, for the
4 record.

5 I agree with you. I think that the intent was to
6 get it, you know, in place -- these contracts in place in
7 this fiscal year. I talked to Elsie after we had met.
8 And her interest in the way she displayed that was to show
9 the Board all of the money that was basically as a part of
10 the BCP for consulting professional services. But
11 unfortunately that's created some confusion.

12 CHAIRPERSON MARIN: Okay.

13 DEPUTY DIRECTOR ESTES: It's current year
14 dollars.

15 BOARD MEMBER PEACE: So there isn't any confusion
16 or -- I mean should we leave -- you're saying leave the
17 resolution the same, or should we take out the '06-'07
18 since all the funds are coming out of '05-'06?

19 DEPUTY DIRECTOR ESTES: I think it should reflect
20 what's actually happening.

21 BOARD ADVISOR BRUCE: So we could take out
22 2006-2007?

23 DEPUTY DIRECTOR ESTES: Correct.

24 BOARD MEMBER PEACE: Because the rest of the 2.55
25 million, there'll be other scopes of work --

1 BOARD ADVISOR BRUCE: -- there will be --

2 BOARD MEMBER PEACE: -- that would be coming
3 forward from the '06-'07 money?

4 BOARD ADVISOR BRUCE: Right.

5 CHAIRPERSON MARIN: Hold on a second.

6 Did you want --

7 CALEPA ASSISTANT SECRETARY LEWIS: If I may. I
8 was just going -- Andrea Lewis with the Office of the
9 Secretary.

10 I was just going to add, I think we anticipated
11 we would look at two years because we're looking at a \$7
12 million allocation over a two-year period of time. That
13 if we -- not knowing how the process is going to unfold in
14 regard to the writers, the graphic designers, the editors,
15 it would give us the flexibility to utilize the funds if
16 necessary. Our plan would be to utilize the funds of
17 course in '05-'06. But I think it may do us a disservice
18 if we take out '06-'07 anticipating that. We want to make
19 certain that we would have the latitude to use those funds
20 if necessary.

21 BOARD MEMBER PEACE: Well just because there --
22 see -- I guess, Tom, I'll have to ask you this. Just
23 because we're approving the contract now, I mean we could
24 still be using those funds in '06-'07. Even though
25 they're all just '05-'06 funds, you can still be using

1 them.

2 BOARD ADVISOR BRUCE: And I want to make sure
3 it's clear. This scope of work is not for editors or
4 graphic designers. This particular scope of work is just
5 for the writers. And so we're looking up to 30 writers at
6 75,000. So I think we are safe, because we would like to
7 get those hired by this fiscal year at this point.

8 BOARD MEMBER WASHINGTON: That makes sense.

9 BOARD ADVISOR BRUCE: If -- you know, just so
10 we're all together, if something were to happen as it
11 unfolds, I think we would then have time to come forward
12 with another agenda item to you as it gets closer to June
13 30th and we're seeing that we aren't where we need to be.

14 CHAIRPERSON MARIN: So we don't need the 2006
15 item?

16 BOARD MEMBER WASHINGTON: No '06-'07.

17 CALEPA ASSISTANT SECRETARY LEWIS: Not for the
18 writers, correct.

19 BOARD ADVISOR BRUCE: No, not for the writers.

20 DEPUTY DIRECTOR ESTES: It's my understanding,
21 Bonnie or -- well, it probably won't be Bonnie -- but
22 someone will come back with their needs in the next fiscal
23 year when that money is appropriated.

24 BOARD MEMBER PEACE: Yeah, right, and other
25 scopes of work for '06-'07 money?

1 DEPUTY DIRECTOR ESTES: That's correct.

2 CHAIRPERSON MARIN: Okay. So --

3 BOARD MEMBER WASHINGTON: I'd like to make a

4 resolution, Madam Chair.

5 I'd like to move adoption of Resolution 2005-234

6 revised, with striking '06-'07 from the resolution.

7 BOARD MEMBER MULÉ: Second.

8 BOARD MEMBER PEACE: Third.

9 CHAIRPERSON MARIN: Please call the roll.

10 BOARD SECRETARY BAKULICH: Mulé?

11 BOARD MEMBER MULÉ: Aye.

12 BOARD SECRETARY BAKULICH: Peace?

13 BOARD MEMBER PEACE: Aye.

14 BOARD SECRETARY BAKULICH: Washington?

15 BOARD MEMBER WASHINGTON: Aye.

16 BOARD SECRETARY BAKULICH: Marin?

17 CHAIRPERSON MARIN: Aye.

18 BOARD ADVISOR BRUCE: Thank you very much.

19 Okay. Thank you, Bonnie. Take your \$7 million

20 with you.

21 (Laughter.)

22 CHAIRPERSON MARIN: Okay. That leads us to the

23 last item on the Board.

24 Mr. Leary.

25 EXECUTIVE DIRECTOR LEARY: Thank you, Madam

1 Chair. Good afternoon, members.

2 Agenda Item 37 concerning consulting and
3 professional services contract needs for action plan
4 implementation, it's really just a heads-up and an action
5 plan and report item for -- just to share our thinking at
6 this point.

7 Actually the full discussion of our contract
8 needs, both for action plan implementation and for the
9 recycling market development zone loan implementation
10 plan, will occur next month as a full fledged agenda item.
11 So I'm not looking for any decisions today. I just wanted
12 to give you a head start and a preview of executive
13 staff's thinking.

14 We will bring two items for your consideration
15 next month. One will have to do with the allocation and
16 commitment of monies to the Integrated Waste Management
17 accounts for action plan implementation. And the second
18 item will be from the Recycling Market Development Zone
19 Loan Fund and the funds needed and available to implement
20 various aspects of the zone loan. These will all be well
21 defined in the agenda items sufficient hopefully with
22 information for you to make a decision to go forward with
23 those offerings or not.

24 Part and parcel to that and what we've done
25 traditionally in the past as part of those items is also

1 to define our mandatory contracts list, which is kind of
2 the nuts and bolts contracts that keep our organization
3 going, the best example of which sits before you typing
4 furiously away as I speak here. Just kind of the
5 background contracts that we keep just for your
6 information. It doesn't require a decision typically.
7 But you're certainly welcome to ask any questions.

8 What I'm going to pass to you now is just the
9 beginnings of our thinking, and again just in the
10 interests of getting the ball rolling and giving you a
11 heads up of our funding of our proposals for consulting of
12 professional services in regards to the action plan
13 implementation in the four action plans areas.

14 And maybe -- let me ask Rubia maybe to pass --
15 just put a stack in the back of the room so that we have
16 them in fact available to the public.

17 They're organized by action plan. And we offer
18 three at least -- at least initially three thoughts on the
19 kind of resources we might need in consulting and
20 professional services out of the Integrated Waste
21 Management Account. It's for the Technology Assessment
22 Action Plan on the first page. The second page is regards
23 to the Green Procurement Action Plan. The third page is
24 the Market Assessment Action Plan, of which there's only
25 one item.

1 And there's another offering here at the bottom
2 of the -- the second item on the third page. It really
3 doesn't have a strong action plan reference. But some of
4 you may be aware of the increased interests in plastic
5 film collection and ag film in particular here in the
6 State of California. There's renewed interest in the
7 private sector. One company in particular who's looking
8 to become more engaged in ag film collection and
9 processing.

10 And so we thought we ought to put a placeholder
11 aside. It doesn't necessarily fit smoothly within our
12 current action plan. But to the extent that we need
13 consulting and professional services, to fill that
14 interest we might -- we're thinking along those lines.
15 And, again, we'll have a much more thorough presentation
16 in September.

17 If you'd like, I'm just going to skim over these
18 quickly. Back to the first page. As you recall, the
19 Technology Assessment Action Plan has several components,
20 one of which is landfill gas monitoring and improving our
21 ability to detect landfill gas at landfills. And we have
22 some interest in asserting our national leadership in this
23 area and will require some technical expertise as well as,
24 you know, some physical resources to do drilling and
25 trenching as such to further that effort.

1 Second and thirdly of course is the whole issue
2 of more information, both in terms of a forum and meeting
3 with world experts on conversion technology as well as
4 advancing our understanding from a scientific basis in
5 conversion technology. And we have some concepts
6 developed in that area. And I'll reiterate once again
7 that these will be much more fleshed out in the September
8 agenda item.

9 Green procurement. Again, looking to advance the
10 use of compost in a couple of sectors. Now, your first
11 reaction might be we've done of this. And in fact we
12 have. But we're looking to build, particularly in regards
13 to agriculture, from our current understanding and develop
14 the model that this reference of -- a purchasing model
15 that has very specific in regards to targets in the
16 farming sector and operations that could potentially adopt
17 the use of compost. But that's again being further
18 developed.

19 We have leadership issues that we're trying to
20 ascertain, national leadership in paint management,
21 continuing on our effort with San Joaquin County. We've
22 got a couple of fairly moderate ideas on how we can
23 advance that understanding.

24 And then, finally, looking to continue our
25 efforts in sustainable building, particularly in relation

1 to the Governor's Green Building Action Plan and his Green
2 Action Team. We're looking how we may be able to
3 synergize Board dollars in partnership with state and
4 local agencies to do further green building concept,
5 particularly those concepts that endorse the reuse of
6 recycled content products.

7 And then, finally, in the market assessment
8 action plan, what we're -- we're potentially proposing a
9 data integration study that will take all the market
10 assessment data that we collect -- and you know that will
11 be a very intensive data collection process and data
12 rich -- and put it in the GIS format that will translate
13 that material into a visual representation of flow of
14 recyclable commodities and in a geographic setting. I
15 think that would be a very useful tool, relatively
16 moderate in price, that we don't currently have in-house
17 now.

18 So, again, I'm not looking for a detailed
19 discussion. And I'm probably more detailed than you want
20 me to be at this point. But I just thought in the
21 interests of just giving you a heads up and previewing
22 what we're thinking about, give you something to think
23 about. And then as we move this process forward, fill
24 free to give me a call or anybody -- give me a call over
25 the coming months or any of the executive staff, offer

1 your own thoughts on some of these concepts or other
2 concepts that you too may have so that we can bring you
3 the best item possible this September.

4 CHAIRPERSON MARIN: Any questions, comments?

5 BOARD MEMBER WASHINGTON: No, no questions. But
6 I want to add that I'll certainly be contacting you,
7 because composting is becoming a real big issue,
8 especially in nurseries. Because there have been
9 identifiable landfills and other things that's causing
10 these smells, and I've always wondered how we can offset
11 that.

12 And so, you know, if there's some type of ways we
13 can institute something that addresses nurseries. And
14 maybe there isn't. I'm just throwing it out there, that
15 I've always been interested in trying to address some of
16 those issues with the nurseries who say they are being
17 given the bad shake because they're pretty close to
18 landfills and whatever, the olders are and things of that
19 nature. You know, give some of your thoughts in terms of
20 that.

21 And then finally under professional services, I
22 wondered if our court reporter can answer some questions
23 and type his own responses as he talks to me.

24 THE REPORTER: It's tough.

25 (Laughter.)

1 BOARD MEMBER WASHINGTON: No, I won't do that to
2 you.

3 CHAIRPERSON MARIN: Okay. I just want to say a
4 couple of things, Mr. Leary.

5 One of the -- as you further this proposal and
6 the allocation, I have -- when you're looking at the
7 monies that you're going to be spending on this -- and I
8 know that this directly reflects the priorities that the
9 Board has already set. I'd like to just have a picture of
10 what you're intentions are for expenditures. And then for
11 me it would be a better tool to see maybe we're spending
12 too much money on one area versus another. While not
13 micro managing, you know, I would like to be able to set
14 the direction --

15 EXECUTIVE DIRECTOR LEARY: Okay.

16 CHAIRPERSON MARIN: -- you know, of expenditures.
17 Are you going to be spending, you know, a million dollars
18 on technology and a hundred thousand dollars in green
19 procurement, and is that the direction of the Board? So
20 just broader. You know, I don't want --

21 EXECUTIVE DIRECTOR LEARY: Well, these contract
22 concepts when they come before you in September will all
23 have a dollar figure associated with them. We will have
24 scoped out what they potentially may cost. And they will
25 all have a dollar figure associated with them. And there

1 will likely be larger professional services needs in some
2 action plans versus others. And we're pretty comfortable
3 with the market assessment analysis because we want to do
4 a lot of that in-house. We want to knock on the doors,
5 have the conversations, collect the data ourselves. But
6 where some of the others we may rely on some external
7 experts more heavily.

8 CHAIRPERSON MARIN: Yeah. Because you
9 understand, to me it's like I want to set the direction.
10 This is really important to the Board, you know. And yet
11 maybe the expenditures do not reflect that. I want to
12 make sure that they're in synch. Okay?

13 EXECUTIVE DIRECTOR LEARY: You'll have that
14 information.

15 CHAIRPERSON MARIN: Any further -- Ms. Mulé.

16 BOARD MEMBER MULÉ: Yeah, I guess I just -- I'm
17 reading through these concepts, and I just have some
18 questions regarding these concepts in relation to the
19 Board developing its priority areas. Because, frankly, I
20 look at some of these and these do not reflect our
21 priority areas. So I do want to go on the record as
22 saying I am concerned about some of these contract
23 concepts. I don't feel that they reflect our priorities
24 as a board.

25 And I just want to make sure that as we move

1 forward, that we once again focus on our priority areas as
2 a board and we really do hone in on that and try not to go
3 off the path. Because the whole idea behind developing
4 our priorities was to keep all of us focused on our tasks
5 at hand and doing what we are being asked to do either by
6 law or regulation and, again, based on our priorities, and
7 not go off on to other directions.

8 So I just want to make sure that -- again, in
9 looking at some of these, these in my mind do not reflect
10 our priorities. So I just want to make sure that we don't
11 get off the path that we set back in January.

12 CHAIRPERSON MARIN: All right.

13 BOARD MEMBER MULÉ: Thank you, Madam Chair.

14 CHAIRPERSON MARIN: Excellent point.

15 Any further?

16 No. Oh, my God. I hope you all feel like we
17 accomplished a lot, because I do. You know, it's amazing,
18 especially being here in Sonoma. It's great.

19 Anyways, we will be going into closed session.
20 After the closed session I will not come back and say
21 we're finished. This has been noticed that this is --
22 it's finished upon finishing the closed session items.

23 Anyways, thank you so very much. Enjoy your stay
24 in Sonoma. And we'll see you next month in Sacramento.

25 Thank you.

1 CHIEF COUNSEL CARTER: Madam Chair?

2 CHAIRPERSON MARIN: Oh, one more. Oh, yeah, the
3 reason.

4 Why are we going into closed session?

5 CHIEF COUNSEL CARTER: We're going into closed
6 session for Government Code 11126E.

7 CHAIRPERSON MARIN: Thank you so very much.

8 So now we're all legal.

9 (Thereupon the Board recessed into closed
10 session at 12:55 p.m.)

11 (Thereupon the California Integrated Waste
12 Management Board meeting adjourned
13 at 2:00 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing California Integrated Waste Management Board
7 meeting was reported in shorthand by me, James F. Peters,
8 a Certified Shorthand Reporter of the State of California,
9 and thereafter transcribed into typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said meeting nor in any
12 way interested in the outcome of said meeting.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 29th day of August, 2005.

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22 JAMES F. PETERS, CSR, RPR

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